SAN FRANCISCO PUBLIC LIBRARY
3 1223 09320 3710

5/S

San Francisco Public Library

Government Information Center
San Francisco Public Library
100 Larkin Street, 5th Floor
San Francisco, CA 94102

REFERENCE BOOK
Not to be taken from the library

Digitized by the Internet Archive
in 2016

https://archive.org/details/meetingminutesd2010sanf_0

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, July 13, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

JUL 15 2010

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos	Wednesday 1:30 PM
Budget and Finance Sub-Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Daly	2nd and 4th Thursday 1:00 PM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:14 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of June 8, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on June 30, 2010, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 4.132, of a transfer of function between departments within the executive branch. That such reorganization shall become effective 30 days after its issuance, unless disapproved by the Board of Supervisors.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100095 [Citywide Coordination of Information and Communications Technology]

Sponsor: Chiu

Ordinance amending Department of Technology and Committee on Information Technology responsibilities, establishing the position and duties of the Chief Information Officer, eliminating the Telecommunications Commission, adding San Francisco Administrative Code Chapter 22A, Sections 22A.1, 22A.2, 22A.3, 22A.4, 22A.5, 22A.6 and 22A.7, and deleting San Francisco Administrative Code Sections 3.24, 3.25, 11.85, 11.86,11.87, 11.88 and 11.89 to implement these changes.

FINALLY PASSED

3 1223 09320 3710

100704 [Emergency Medical Technician Certificate Fee Increase]

Sponsor: Mayor

Ordinance amending the San Francisco Business and Tax Regulations Code, Article 2, by amending Section 249.8 to increase fees for Emergency Medical Technician certificates, and making environmental findings.

FINALLY PASSED

100705 [Mayor's Office of Housing Administrative Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 8, by adding Section 8.43 to establish fees for applications to and subordination requests from the Mayor's Office of Housing.

FINALLY PASSED

100707 [Refuse Collection Service Liens and Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Heath Code, Article 6, by amending Sections 291.7, 291.13, 291.14, and 293.3, to allow the Department of Public Health to recover its full costs of processing residential and commercial liens for refuse collection services, provide a process for the Controller to adjust fees annually based on program costs, eliminate the monetary cap on the continuing appropriation account, clarify lien hearing procedures, and add an employee class to enforce Sections 293 through 293.2.

FINALLY PASSED

100708 [Golden Gate Park Concourse Underground Parking Facility Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.35 to increase the fees at the Golden Gate Park Concourse Underground Parking Facility, and making environmental findings.

FINALLY PASSED

100709 [Police Department Permit Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Police Code, Article 1, by amending Section 2.1 to include a definition of "service fee" and amending Sections 2.26 and 2.27 to increase or establish certain Police Department permit filing, service and license fees and to delete duplicative or obsolete language, and making environmental findings.

FINALLY PASSED

100711 [Establishing a Fee to Regulate Revenue Control Equipment at Parking Stations]

Sponsor: Mayor

Ordinance amending the Business and Tax Regulation Code, Article 22, by adding Sections 2219, 2219.5, 2219.6, 2219.7, 2219.8, 2219.9, 2219.10 and 2219.11, to impose a fee on all parking stations that are subject to the requirements in Article 22 to recover administrative and enforcement costs.

FINALLY PASSED

100713 [Fire Department Services Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Fire Code, Appendix Chapter 1, Section 112, by amending Sections 112.8, 112.15, and Table 112-B to increase fees for certain Fire Department services, and making environmental findings.

FINALLY PASSED

100714 [Fire Department Emergency Medical Services Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Health Code, Article 3, by amending Section 128.1 to increase fees for Fire Department emergency medical services and to update the language regarding fee changes in subsequent fiscal years, and making environmental findings.

FINALLY PASSED

100717 [Registration Fees for Inspecting and Testing Commercial Weighing and Measuring Devices]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 1, by amending Section 1.13-5 to update registration fees for inspecting and testing commercial devices as authorized by California Business and Professions Code Sec. 12210.5 and set by the California Department of Food and Agriculture, and deleting obsolete language.

FINALLY PASSED

100718 [Structural Pest Control Registration and Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 1, by amending Section 1.13-1 to establish reasonable registration fees for structural pest control businesses as authorized by the California Food and Agricultural Code Sections 15204 and 15204.5 and set by the California Department of Food and Agriculture, and deleting obsolete language.

FINALLY PASSED

100719 [Patient Rates]

Sponsor: Mayor

Ordinance amending the San Francisco Health Code, Article 3, by amending Section 128 to set patient rates and other services provided by the Department of Public Health, effective July 1, 2010.

FINALLY PASSED

100720 [Food Permit Requirements and Fees for Caterers]

Sponsor: Mayor

Ordinance amending San Francisco Health Code, Article 8, by amending Section 451, and amending San Francisco Business and Tax Regulations Code, Article 2, by amending Section 249.1, and adding Section 249.22 to update definitions and add fees and permitting requirements for caterers, and provide a mechanism for the Controller's Office annually to adjust fees to track program costs.

FINALLY PASSED

100721 [Above-ground Storage Tank Fees]

Sponsor: Mayor

Ordinance amending San Francisco Health Code, Article 21, by amending Sections 1102 and 1176, by adding above-ground storage tank definitions and fees.

FINALLY PASSED

100723 [Building Code – Unsafe Building, Printing, and Reproduction Fees]

Sponsor: Mayor

Ordinance amending the Building Code, Chapter 1A, to amend Section 102A.3 to assess a monthly monitoring fee for specified unsafe buildings; Table 1A-D concerning inspector fees; Table 1A-K concerning violation monitoring fees; and Table 1A-L concerning printing and document reproduction fees; and adopting environmental findings.

FINALLY PASSED

100741 [Accept and Expend Grant - Human Service Agency's Temporary Assistance to Needy Families Emergency Contingency Fund - Not to Exceed $153,741,681]

Sponsor: Mayor

Ordinance amending the FY2010-2011 Annual Salary Ordinance to reflect the addition of temporary salaries of $22,698,000 and authorizing the Human Services Agency to retroactively accept and expend a grant not to exceed the amount of $52,038,115 from the United States Department of Health and Human Services, as part of the American Recovery and Reinvestment Act of 2009, to support the Mayor's Jobs NOW Program, and authorizing the Human Services Agency to accept and expend an additional grant not to exceed $101,703,566 pending final approval by the U.S. Congress to extend federal funding beyond September 30, 2010, for a total amount not to exceed $153,741,681; placing $101,703,566 on Controller's reserve.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

100323 [Liquor License Transfer - 161 Erie Street]

Resolution determining that the transfer of a Type 48 On-Sale General Public Premises Liquor License from 517 Clement Street to 161 Erie Street (District 8) to Peter Gilkshtern and Jeff Whitmore for 1six1, Inc., dba The Public Works, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

100684 [Liquor License - 1957 Union Street]

Resolution determining that the issuance of a Type 20 On-Sale Beer and Wine Public Premises Liquor License to Melissa Gisler Modanlou, for Spuntino di Ottimista, located at 1957 Union Street (District 2), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

100686 [Liquor License - 1455 Van Ness Avenue]

Resolution determining that the issuance of a Type 20 Off-Sale Beer and Wine Liquor License to Parisima and Amanzio Tamanti for Tosco Wines, Inc. dba Vino Nostro, located at 1455 Van Ness Avenue (District 2), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

100806 [Accept and Expend Grant - California Colon Cancer Control Health Program - $320,367]

Sponsors: Dufty; Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the California Department of Public Health in the amount of $320,367 to fund the California Colon Cancer Control Health Program for the period May 1, 2010, through June 30, 2013.

ADOPTED

100807 [Accept and Expend Grant - President's Emergency Plan for Aid - $200,331]

Sponsors: Dufty; Campos

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $200,331 from the University of California San Francisco to assist with a project entitled "President's Emergency Plan for Aid" for the period April 1, 2010, through March 31, 2011.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

Recommendations of the Rules Committee

100689 [Settlement of Lawsuit - Nelson A. Estival - $57,500]

Ordinance authorizing settlement of the lawsuit filed by Nelson A. Estival against the City and County of San Francisco for $57,500; the lawsuit was filed on July 24, 2008, in San Francisco Superior Court, Case No. CGC 09-477871, entitled Estival v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

100690 [Settlement of Lawsuit - Anthony Landry - $70,000]

Ordinance authorizing settlement of the lawsuit filed by Anthony Landry against the City and County of San Francisco for $70,000; the lawsuit was filed on July 17, 2008, in the San Francisco Superior Court, Case No. CGC 08-744565, entitled Anthony Landry v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

100691 [Settlement of Lawsuit - Bayshore Sanitary District - $407,000]

Ordinance authorizing settlement of the lawsuit entitled Bayshore Sanitary District v. City and County of San Francisco, et al., filed on November 21, 2007, in San Francisco Superior Court, Case No. 07-469434. Pursuant to the proposed settlement, the City will execute a revenue refund adjustment for the Bayshore Sanitary District's sewer services billings in the amount of $407,000. In return, the Bayshore Sanitary District will implement measures to ensure that future errors in measuring wastewater flow are promptly detected and corrected and limit its recovery of any overcharges due to equipment error in the future. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Sub-Committee

100581 [General Obligation Bonds - Earthquake Safety Retrofit Deferred Loan and Grant Program General Obligation Bonds 2010 - Estimated Cost $46,150,000]

Sponsor: Mayor

Resolution determining and declaring that the public interest and necessity demand the construction, improvement and seismic retrofitting of multi-story wood framed affordable housing soft-story buildings for earthquake safety funded by the City or other qualified governmental housing finance agency, or owned by private third-parties and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $39,140,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

Privilege of the floor was granted to Jason Elliott (Office of the Mayor) who responded to questions raised throughout the discussion regarding File Nos. 100581 and 100580.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution determining and declaring that the public interest and necessity demand the construction, improvement and seismic retrofitting of multi-story wood framed affordable housing soft-story buildings for earthquake safety funded by the City or other qualified governmental housing finance agency, or owned by private third-parties and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $46,150,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED AS AMENDED to July 20, 2010, as a Committee of the Whole. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100557 [Assessment Appeals Board - Increasing Administrative Processing Fees, Adding Certain Waivers, and Changing to an Hourly Rate for Findings of Fact Fees]

Sponsor: Avalos

Ordinance amending Administrative Code Chapter 2B "Assessment Appeals Boards," by amending Section 2B.9 to increase the administrative processing fee per application from $30 to $60 by adding a fee waiver for any property assessed on the roll at a value of $7,500 or less, and by adding a fee waiver for any property where there is a difference of $7,500 or less between the taxpayer's opinion of value on the application and the subject property's assessed value on the roll; and by amending Section 2B.11 to change the findings of fact fees from a sliding scale of $100 to $1,000 to an hourly rate of $215 with a maximum of 30 hours billed.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Budget and Finance Committee

100710 [Increasing Street Artist Certificate Fee]

Sponsor: Mayor

Ordinance amending the San Francisco Police code, Article 24, by amending Section 2404.1 to increase the fee for a Street Artist Certificate and making environmental findings.

Privilege of the floor was granted to Ben Rosenfield (Controller) who responded to questions raised throughout the discussion regarding File No. 100710.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 – Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Daly

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100701 [Proposed Consolidated Budget and Annual Appropriation Ordinance, FYs Ending June 30, 2011, and June 30, 2012]

Sponsor: Mayor

Proposed Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for the FYs ending June 30, 2011, and June 30, 2012.
(Supervisor Elsbernd dissented in Committee.)

Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED ON FIRST READING to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100747 [Proposed Annual Salary Ordinance, FY Ending June 30, 2011, for all Departments, and for FY Ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission]

Sponsor: Mayor

Proposed Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2011, for all departments and for FY ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED ON FIRST READING to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100715 [Fire Department Cost Recovery for Vehicle Incidents]

Sponsor: Mayor

Ordinance amending the San Francisco Fire Code, Appendix Chapter 1, by adding Section 112.22 to authorize the Fire Department to recover costs incurred removing vehicle contents from City streets and highways after vehicle incidents.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100725 [Establishing Automated Point-of-Sale Systems Registration, Inspection and Reinspection Requirements and Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code by adding Chapter 115, Sections 115 through 115.8, to establish registration, inspection and reinspection requirements and fees for automated point-of-sale (scanner) systems to ensure compliance with California Business and Professions Code Sections 120242, 12024.6, and 12103.5, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100727 [Redevelopment Agency Budget and Bonds FY2010-2011 - Not to Exceed $64,000,000]

Sponsor: Mayor

Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for FY2010-2011 and approving the Issuance by the Redevelopment Agency of Bonds in an aggregate principal amount of not to exceed $64,000,000 to finance a portion of redevelopment activities described in such approved Budget for FY2010-2011.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100752 [Approval of Contract with Siemens Medical Solutions USA, Inc. - $33,820,487]

Sponsor: Chiu

Resolution authorizing the San Francisco Department of Public Health, to enter into a contract with Siemens Medical Solutions USA, Inc., for the continued licensing and maintenance of proprietary Siemens Applications for the initial term of July 1, 2010, through June 30, 2017, with one option to extend the initial term for an additional twenty four months ending June 30, 2019.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100763 [Supporting the Budget Efforts of the Democratic Leadership in the California Senate and Assembly]

Sponsors: Chiu; Mar

Resolution supporting the Assembly's Democratic budget proposal, also known as the California Jobs Budget.

Supervisor Mar requested to be added as a co-sponsor.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution supporting the Democratic leadership in the California Senate and Assembly in their efforts to negotiate a budget solution based on a unified set of Democratic values.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100813 [Agreement with the San Francisco County Transportation Authority Relating to Yerba Buena Island Ramps - Not to Exceed $18,830,000]

Sponsor: Mayor

Resolution approving a Third Amendment to the Memorandum of Agreement between the Treasure Island Development Authority and the San Francisco County Transportation Authority for project management services and consultant services for the preparation of a project report and environmental document for the Yerba Buena Island Ramps to amend the scope of work and increase the not to exceed budget to $18,830,000.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

100671 [Smoking Prohibition Signage Requirement]

Sponsor: Mar

Ordinance amending San Francisco Health Code Section 1009.22 to clarify signage language requirement.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100758 [Public Works Code - Banners in the North of Market/Tenderloin Community Benefit District]

Sponsor: Daly

Ordinance amending Public Works Code, Article 5.7, Section 184.78 to allow the posting of banners in the North of Market/Tenderloin Community Benefit District as defined herein and adopting environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

100808 [Memorandum of Understanding, Amendment No. 2 - Municipal Executives' Association Police]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100810 [Memorandum of Understanding, Amendment No. 3 - San Francisco Firefighters, Local 798, (Unit 2)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2, by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.
(Supervisor Daly dissented in committee.)

Privilege of the floor was granted to Ben Rosenfield (Controller) and Martin Gran (Department of Human Resources) who responded to questions raised throughout the discussion regarding File No. 100810.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly

100811 [Memorandum of Understanding, Amendment No. 2 - San Francisco Police Officers' Association (Units P-1 & P-2A)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 & P-2A), by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly

100812 [Memorandum of Understanding, Amendment No. 2 - San Francisco Police Officers' Association (Unit P-2B)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B), by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly

100866 [Memorandum of Understanding, Amendment No. 2 - Freight Checkers, Clerical Employees and Helpers, Teamsters Local 856 (Supervising Registered Nurses, Unit 11.B)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees and Helpers, Teamsters Local 856 (Supervising Registered Nurses, Unit 11.B.), by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100867 [Memorandum of Understanding, Amendment No. 2 - Municipal Executives' Association Fire]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

(Supervisor Daly dissented in committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

100868 [Memorandum of Understanding - Service Employees International Union, Local 1021 Staff and Per Diem Nurses]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 Staff and Per Diem Nurses, to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Government Audit and Oversight Committee Without Recommendation

Supervisor Chu Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that Supervisor Chu be excused from voting on File No. 100809. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Chu

100809 [Memorandum of Understanding, Amendment No. 3 - San Francisco Firefighters, Local 798, (Unit 1)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1, by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Chiu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly
Excused: 1 - Chu

Recommendations of the Rules Committee

100629 [San Francisco Affordable Housing Fund]

Sponsor: Daly

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 16.127 to: (1) establish baseline appropriation and make an annual appropriation of the equivalent of 33% of any available general fund budget surplus for the next fifteen (15) years to support affordable housing programs; (2) require the Mayor's Office of Housing, in cooperation with the Department of Public Health and Department of Human Services, to prepare an affordable housing plan every three (3) years and an annual affordable housing budget; (3) affirm City policy urging the Redevelopment Agency to use at least 50% of its tax increment funds for low and moderate income housing; and (4) set an expiration date of July 1, 2026.
(Supervisor Alioto-Pier dissented in committee.)

Supervisor Daly, seconded by Supervisor Dufty, moved that this Charter Amendment be CONTINUED to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100630 [Requiring the Mayor to Appear Personally at One Regularly-Scheduled Meeting of the Board of Supervisors Each Month to Engage in Formal Policy Discussions with Members of the Board]

Sponsor: Daly

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 2.103 and 3.100, to require the Mayor to appear personally at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board and to authorize the Board to adopt rules and guidelines.

Supervisor Daly, seconded by Supervisor Campos, moved that this Charter Amendment be CONTINUED to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100636 [Establishment of Rent Board in Charter; Appointment and Removal of Members and Alternate Members]

Sponsors: Campos; Avalos, Daly, Mar, Maxwell, Mirkarimi and Chiu

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 4.136, and amending Section 15.105. Section 4.136 would be added to: establish the Residential Rent Stabilization and Arbitration Board (Rent Board) in the Charter; authorize the Board of Supervisors to appoint three members and three alternate members, authorize the Mayor to appoint three members and three alternate members, and authorize the Board of Supervisors President and the Mayor to jointly appoint one member and one alternate member; and provide that the Rent Board will consist of three tenants, two landlords, and two neutral members, with an alternate for each member. Charter Section 15.105, which enumerates commissions whose members are subject to removal only for official misconduct, would be amended to include Rent Board members and alternate members.

Supervisor Campos, seconded by Supervisor Mar, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 4.136, and amending Section 15.105. Section 4.136 would be added to: establish the Residential Rent Stabilization and Arbitration Board (Rent Board) in the Charter; authorize the Board of Supervisors to appoint three members and three alternate members, authorize the Mayor to appoint three members and three alternate members, and authorize the Board of Supervisors President and the Mayor to jointly appoint one member and one alternate member; and provide that the Rent Board will consist of three tenants, two landlords, and two neutral members, with an alternate for each member. Charter Section 15.105, which enumerates commissions whose members are subject to removal only for official misconduct, would be amended to include Rent Board members and alternate members.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED AS AMENDED to July 20, 2010, as a Committee of the Whole. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100895 [Committee of the Whole - Hearing on Proposed Amendments to the Bayview Hunters Point and Hunters Point Shipyard Redevelopment Plans]

Hearing of persons interested in or objecting to proposed Ordinances approving and adopting an amendment to the Redevelopment Plan for the Bayview Hunters Point and Hunters Point Shipyard Redevelopment Project Areas; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the Bayview Hunters Point and Hunters Point Shipyard Redevelopment Plans as referenced in File Nos. 100658 and 100659. Mark Cohen (Mayor's Office of Economic Development) provided an overview of the project areas. Male Speaker; Reverend Townsend; Connie Ford; spoke expressing support for the plans. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

100861 [Public Hearing - Appeal of Certification of Final Environmental Impact Report - Candlestick Point - Hunters Point Shipyard Phase II Development Plan]

Hearing of persons interested in or objecting to the decision of the Planning Commission's June 3, 2010, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0946E, through its Motion No. 18096, for a proposed Candlestick Point - Hunters Point Shipyard Phase II Development Plan located at Candlestick Point and Hunters Point Shipyard (District 10) (Appellants: Jaron Browne on behalf of POWER, Filed June 21, 2010; Arthur Feinstein on behalf of Sierra Club-SF Bay Chapter, Jennifer Clary on behalf of SF Tomorrow, Michael Lynes on behalf of Golden Gate Audubon Society and Linda J. Shaffer on behalf of Yerba Buena Chapter, Filed June 21, 2010; James M. Birkelund of Law Offices of James Birkelund, Filed June 22, 2010; and Stephan C. Volker of Law Offices of Stephan C. Volker, Filed June 23, 2010). (Filed June 21-23, 2010, Companion to File Nos. 100862, 100863, 100864)

The President inquired as to whether any member of the public wished to address the Board. Jaron Browne, Michael Lynes, Stephan Volker, Wilma Subra, Monique Carden, and Arthur Feinstein (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Bernie Shorn; Female Speaker; Female Speaker; Linda Shaffer; Male Speaker; Dr. Serim Minshai; Chester; Abdallah Megahed; Kate Calli; Holly Perk; Eseline Stansel; Carolyn Flare; Mary Williams; Pam Talvi; Jennifer Clary; Norrie Hagen; Marie Harrison; Cory Hawkins; Ron Stutts; Carmen Brightman; Isaac Bowers; William Ratcliff; Female Speaker; Christina Jackson; Male Speaker; Male Speaker; David Tse; Shashana; Fey; Gayan; Stephanie Chan; Pamela Clark; Trinity; Kristen; Lauren; Bradley; Lynn Montoya; Oscar James; Male Speaker; Roger Stud; Female Speaker; Eric Brooks; Male Speaker; Shariq Tae Diggs; Jesus Esparza; Ryan Black; Lauren; Alicia Garza; Angela Mandriaga; Female Speaker; Eric; Ricco; Male Speaker; David; Female Speaker; Regina Davis; Tony Kelly; Sergio Navarro; Male Speaker; Gerille Lee; Drew Christopher Joy; Patricia Rella; Louis Chavez; Jose Pavon; Male Speaker; spoke in support of the appeal. Joy Navarrete and Bill Wycko (Planning Department), Stanley Muraoka and Kate Hartley (Redevelopment Agency), Michael Cohen (Mayor's Office of Economic Development), Amy Brownell (Department of Public Health), Mark Rippa (U.S. EPA), and Peter Albert (MTA), provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Koffi Bonner (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Willie B. Kennedy; Joan Pearson; Joe Ma; Simon Chan; Ollie Burgess; Wandy Green; Frederick Rhinehill; Nicholas Rivera; Stormy Hayden; Carl Alexander; Eileen Hines; Matt Reigon; Linda Richardson; Fran; Ru Pa Bing; Chuck; Marsha Daily-Winter; Dave Figueroa; Tony Rodriguez; Dave Pillatorre; Andrea Berry; Angelo King; Sylvia Larson; Pastor Josiah Dell; Steven Hines; Tim Colin; Cass Davis; Donesia; Kenya; Geneva; Shanika; Katina Taylor; Martin Espinosa; Adrian Simi; Ian Marquez; Carlos Contreras; Christine Anea; Male Speaker; Male Speaker; Mindy Kenner; Terry Ander; John; Charlie; Debbie News; Glenda Holmes; Female Speaker; Karen Winger; Rolanda King; Bradley; Ken Trey; Connie Ford; Mike Torio; Diedre Smith; Oscar James; Carlton McAllister; Tim Paulson; Eric Smith; Grace Martinez; Female Speaker; Giselle Casada; Jaqueline Phillips; Richard Hobson; Ben Shore; Male Speaker; Gary Banks; Steven Leiber; Male Speaker; Male Speaker; Arnold Townsend; spoke in support of the project and in opposition to the appeal. Michael Lynes, Monique Carden, and Wilma Subra (Appellants) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

100862 [Affirming Certification of Candlestick Point - Hunters Point Shipyard Phase II Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Candlestick Point - Hunters Point Shipyard Phase II Project.

Supervisor Daly, seconded by Supervisor Avalos, moved to CONTINUE to July 27, 2010. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Daly, Mar, Mirkarimi
Noes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 3 - Avalos, Daly, Mar

100863 [Reversing Certification of Candlestick Point - Hunters Point Shipyard Phase II Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for Candlestick Point - Hunters Point Shipyard Phase II Project.

Supervisor Daly, seconded by Supervisor Avalos, moved to CONTINUE to July 27, 2010. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Daly, Mar, Mirkarimi
Noes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 3 - Avalos, Daly, Mar

100864 [Preparation of Findings to Reverse Certification of Candlestick Point - Hunters Point Shipyard Phase II Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the Candlestick Point - Hunters Point Shipyard Phase II Project.

Supervisor Daly, seconded by Supervisor Avalos, moved to CONTINUE to July 27, 2010. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Daly, Mar, Mirkarimi
Noes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 3 - Avalos, Daly, Mar

SPECIAL ORDER 4:00 P.M.

100252 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 100 - 32nd Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 19, 2009, Case No. 2007.0129E, that a project located at 100 - 32nd Avenue is exempt from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1)). The proposal would add a three-story side horizontal addition and would enlarge the existing partial fourth floor at the existing four-story, single-family residence located in an RH-1(D) (Residential, House, Single-Family, Detached) District and a 40-X Height and Bulk District, in Assessor's Block No. 1312, Lot No. 008. (District 2) (Appellant: Stephen M. Williams on behalf of Sanford Garfinkel, other neighbors, and the Lincoln Park Neighborhood Association) (Clerk of the Board)

(Filed March 1, 2010; Companion Measure to File Nos. 100253, 100254, 100255.)

The President indicated receipt of a letter, dated July 12, 2010, from the Planning Department rescinding their determination of exemption from environmental review.

TABLED BY OPERATION OF LAW

100253 [Affirming the Exemption Determination for 100 - 32nd Avenue]

Motion affirming the determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

TABLED BY OPERATION OF LAW

100254 [Reversing the Exemption Determination Issued for 100 - 32nd Avenue]

Motion reversing the determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

TABLED BY OPERATION OF LAW

100255 [Preparation of Findings Related to the Exemption Determination for the 100 - 32nd Avenue]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

TABLED BY OPERATION OF LAW

SPECIAL ORDER 4:00 P.M.

100786 [Public Hearing - Appeal of Certification of Final Environmental Impact Report - 900 Folsom Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's May 20, 2010, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0689E, through its Motion No. 18086, for a proposed mixed-use project at 900 Folsom Street, to construct a 9-story, 85-foot tall building with ground and basement level parking, with up to 269 dwelling units, approximately 4,146 square feet of ground floor commercial space along 5th Street, and up to 221 off-street parking spaces (including stackers). The subject property is within the Mixed Use - Residential (MUR) District with a 45-X and 85-X Height and Bulk District, Lot Nos. 009, 018, 048, and 147 in Assessor's Block No. 3732. (District 6) (Appellants: Angelica Cabande on behalf of South of Market Community Action Network (SOMCAN) and Roy Recio on behalf of Manilatown Heritage Foundation).
(Filed June 9, 2010, Companion to File Nos. 100787, 100788, 100789)

The President indicated receipt of a letter, dated July 12, 2010, from the Appellants withdrawing their appeal and inquired as to whether any member of the public wished to address the Board. There were no speakers. The President closed the public hearing.

HEARD AT PUBLIC HEARING

100787 [Affirming the Certification of the 900 Folsom Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 900 Folsom Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100788 [Reversing the Certification of the 900 Folsom Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 900 Folsom Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100789 [Preparation of Findings to Reverse Certification of the 900 Folsom Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 900 Folsom Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

100790 [Public Hearing - Appeal of Certification of Final Environmental Impact Report - 260 - 5th Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's May 20, 2010, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0690E, through its Motion No. 18087, for a proposed mixed-use project at 260 - 5th Street, to demolish an existing light industrial building on the site and construct a 9-story, 85-foot tall building with a basement level parking garage, creating up to 179 dwelling units, approximately 5,281 square feet of ground floor commercial space along 5th Street, and up to 102 off-street parking spaces (including stackers). The subject property is within the Mixed Use - Residential (MUR) District with an 85-X Height and Bulk District, Lot No. 008 in Assessor's Block No. 3732. (District 6) (Appellants: Angelica Cabande on behalf of South of Market Community Action Network (SOMCAN) and Roy Recio on behalf of Manilatown Heritage Foundation).
(Filed June 9, 2010, Companion to File Nos. 100791, 100792, 100793)

The President indicated receipt of a letter, dated July 12, 2010, from the Appellants withdrawing their appeal and inquired as to whether any member of the public wished to address the Board. There were no speakers. The President closed the public hearing.

HEARD AT PUBLIC HEARING

100791 [Affirming the Certification of the 260 - 5th Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 260 - 5th Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100792 [Reversing the Certification of the 260 - 5th Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 260 - 5th Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100793 [Preparation of Findings to Reverse Certification of the 260 - 5th Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 260 - 5th Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

Recommendations of the Rules Committee

100634 [Health Service Board Terms and Elections]

Sponsor: Elsbernd

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 12.00, to shorten, on a one-time basis, the term of one Health Service Board member from five years to three years, and the term of another Health Service Board member from five years to two years, so that Board terms will expire in pairs in the future and can be filled during the same Board election.

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100635 [Non-Citizen Voting in School Board Elections]

Sponsors: Chiu; Campos, Mar, Avalos, Mirkarimi, Maxwell, Daly and Dufty

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100 and adding Section 13.111 to authorize San Francisco residents 18 years of age or older who are the parents, legal guardians or caregivers of children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the residents are United States citizens.

Supervisor Chu, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100267 [Election Day Voter Registration]

Sponsor: Mirkarimi

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Article XVII to change the definition of "voters."

Supervisor Mirkarimi, seconded by Supervisor Campos, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 13.112 and amending Article XVII to establish Election Day Voter Registration for exclusively municipal elections.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED AS AMENDED to July 20, 2010, as a Committee of the Whole. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100632 [Public Education Enrichment Fund]

Sponsor: Alioto-Pier

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 16.23-10, to extend the automatic expiration of the Public Education Enrichment Fund from June 30, 2015, to June 30, 2016; amending Sections 16.123-2 and 16.123-8, to make conforming changes; amending Section 16.123-3, to use any surplus returned from the Library Preservation Fund Baseline to fund part of the City's required disbursements under the Pubic Education Enrichment Fund for, among other things, library programs; amending Section 16.123-5, to allow the City to use monies in the Fund to pay college tuition and fees for students attending City College or San Francisco State; amending Section 16.123-6, to authorize the Youth Commission to review expenditure plans submitted by the School District and the First Five Commission, amending Section 16.123-8, to require the City to recommend a Rainy Day Reserve policy for the San Francisco Unified School District covering local revenues and authorize the City to suspend disbursements from the Fund to the School District unless the District certifies that it has adopted and followed the policy; and, repealing Section 16.123-7 as obsolete.

This item was not sent as a Committee Report.

100633 [Split Appointments to the Recreation and Park Commission]

Sponsors: Mirkarimi; Campos, Mar, Daly and Avalos

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.113 to split the power to make appointments to the Recreation and Park Commission between the Mayor and the Board of Supervisors, and amending Section 15.105 to provide that the appropriate appointing authority may initiate removal of Recreation and Park Commissioners.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Charter Amendment be CONTINUED to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100637 [San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]

Sponsors: Campos; Mirkarimi, Chiu and Mar

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section(s) 8A. 101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, A8.409-1, A8.409-4 and A8.428, and deleting Section and A8.404, to provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors, allocate a share of property tax revenues to the Transportation Fund, require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors, establish an Office of the MTA Inspector General, and eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining.

This item was not sent as a Committee Report.

From the Budget and Finance Committee Without Recommendation

100580 [General Obligation Bond - Earthquake Safety Retrofit Deferred Loan and Grant Program General Obligation Bond - November 2, 2010, Election]

Sponsor: Mayor

Ordinance calling and providing for a consolidated general election to be held in the City and County of San Francisco on Tuesday, November 2, 2010, for the purpose of submitting to the voters of the City and County of San Francisco a proposition to authorize general obligation bonded indebtedness of the City and County in the Amount of Thirty Nine Million One Hundred and Forty Thousand Dollars ($39,140,000) to provide loans to pay the costs of seismic retrofits to multi-story wood structures that are at significant risk of substantial damage and collapse during an earthquake, finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest thereof; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election on the same date; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of Article V of Chapter V of the San Francisco Administrative Code; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

See File No. 100581 above.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance calling and providing for a consolidated general election to be held in the City and County of San Francisco on Tuesday, November 2, 2010, for the purpose of submitting to the voters of the City and County of San Francisco a proposition to authorize general obligation bonded indebtedness of the City and County in the Amount of Forty Six Million One Hundred and Fifty Thousand Dollars ($46,150,000) to provide deferred loans and/or grants to pay the costs of seismic retrofits to multi-story wood structures that are at significant risk of substantial damage and collapse during an earthquake; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest thereof; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election on the same date; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of Article V of Chapter V of the San Francisco Administrative Code; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be PASSED ON FIRST READING AS AMENDED to July 20, 2010, as a Committee of the Whole. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Land Use and Economic Development Committee Without Recommendation

100658 [Bayview Hunters Point Redevelopment Project Area]

Sponsors: Mayor; Maxwell

Ordinance approving and adopting an amendment to the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project Area; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED ON FIRST READING to July 27, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100659 [Hunters Point Shipyard Redevelopment Project Area]
Sponsors: Mayor; Maxwell
Ordinance approving and adopting an amendment to the Redevelopment Plan for the Hunters Point Shipyard Redevelopment Project Area; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED ON FIRST READING to July 27, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Shirley Hansen; expressed concerns regarding civil grand jury report and pension costs.
Male Speaker; expressed various concerns.
Female Speaker; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Alioto-Pier was noted absent at 3:54 p.m., and noted present at 4:29 p.m.
Supervisor Maxwell was noted absent at 5:33 p.m., and noted present at 5:51 p.m.

100887 [Support Assembly Bill 1652 Regarding the Ski Resort Safety Act]
Sponsor: Alioto-Pier
Resolution supporting Assembly Bill 1652 regarding the Ski Resort Safety Act.

ADOPTED

100888 [Approving Associate Membership in the California Enterprise Development Authority]
Sponsor: Daly
Resolution approving associate membership by the City and County of San Francisco in the California Enterprise Development Authority, a joint exercise of powers authority, and authorizing, and directing the execution of an Associate Membership Agreement relating to associate membership of the City in the Authority.

ADOPTED

100890 [San Francisco County Exhibit in the 2010 State Fair]
Sponsors: Chiu; Alioto-Pier
Motion appointing the City Administrator as the official representative of the City and County of San Francisco for the purpose of entering a county exhibit in the 2010 California State Fair and authorizing a county exhibit on San Francisco's behalf.

Supervisor Alioto-Pier requested to be added as a co-sponsor.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

100832 [Contract with Institute on Aging for the Provision of Case Management, Community Living Fund and Linkages Program Services - Not to Exceed $13,191,544]
Resolution approving the grant agreement between the City and County of San Francisco and the non-profit Institute on Aging to provide Case Management, Community Living Fund and Linkages Program services to seniors and adults with disabilities during the period of July 1, 2010, to June 30, 2014, for a total not to exceed amount of $13,191,544. (Human Services Department)

06/24/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100833 [Approving Street Encroachment at Lake Merced Boulevard and Higuera Avenue]
Resolution granting revocable permission to Park Merced Investors Properties, LLC to occupy a portion of the public right-of-way for the installation and maintenance of a neighborhood sign (4' high x 36' wide x 32" deep) at the corner of Lake Merced Boulevard and Higuera Avenue in the median island (Block 0807, Lot 012), conditioned upon the payment of an annual assessment fee. (Public Works Department)

06/25/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100900 [Approval of Amendment No. 1 of Lease, Use and Operating Agreement for BART Station and Related Facilities and Grant Easement at San Francisco International Airport, Lease No. L97-0081]

Resolution approving and authorizing the execution of Amendment No. 1 to Lease, Use and Operating Agreement for BART Station and Related Facilities and Grant of Easement at San Francisco International Airport, Lease No. L97-0081 to: (1) limit BART Premium Fare (surcharge) for non-airline airport employees for $1.50 each way for the remainder of the Lease; (2) remove BART Faithful Performance Deposit requirement; (3) permit monthly payment by BART of the annual rent in lieu of advance annual payment; (4) allow advertising by BART in the Airport-BART Station; and (5) include administrative updates to the Lease. (Airport Commission)

06/30/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100901 [California Environmental Quality Act Findings for Water System Improvement Program Habitat Mitigation Actions]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation and monitoring reporting program and a statement of overriding considerations, related to full implementation of Habitat Mitigation Actions at two sites in Alameda County for the San Francisco Public Utilities Commission Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir project [CUW38101] and other Water System Improvement Program projects, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

07/02/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100904 [Special Assessment of Liens for Assessment of Cost]

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, Section 108A, and Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection, for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above.

06/30/10; RECEIVED AND ASSIGNED to Board of Supervisors.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 2:10 a.m.

*REVISED 7/15/10

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, July 13, 2010 - 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

JUL 16 2010

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos	Wednesday 1:30 PM
Budget and Finance Sub-Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Daly	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:14 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of June 8, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on June 30, 2010, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 4.132, of a transfer of function between departments within the executive branch. That such reorganization shall become effective 30 days after its issuance, unless disapproved by the Board of Supervisors.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100095 [Citywide Coordination of Information and Communications Technology]

Sponsor: Chiu

Ordinance amending Department of Technology and Committee on Information Technology responsibilities, establishing the position and duties of the Chief Information Officer, eliminating the Telecommunications Commission, adding San Francisco Administrative Code Chapter 22A, Sections 22A.1, 22A.2, 22A.3, 22A.4, 22A.5, 22A.6 and 22A.7, and deleting San Francisco Administrative Code Sections 3.24, 3.25, 11.85, 11.86,11.87, 11.88 and 11.89 to implement these changes.

FINALLY PASSED

100704 [Emergency Medical Technician Certificate Fee Increase]

Sponsor: Mayor

Ordinance amending the San Francisco Business and Tax Regulations Code, Article 2, by amending Section 249.8 to increase fees for Emergency Medical Technician certificates, and making environmental findings.

FINALLY PASSED

100705 [Mayor's Office of Housing Administrative Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 8, by adding Section 8.43 to establish fees for applications to and subordination requests from the Mayor's Office of Housing.

FINALLY PASSED

100707 [Refuse Collection Service Liens and Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Heath Code, Article 6, by amending Sections 291.7, 291.13, 291.14, and 293.3, to allow the Department of Public Health to recover its full costs of processing residential and commercial liens for refuse collection services, provide a process for the Controller to adjust fees annually based on program costs, eliminate the monetary cap on the continuing appropriation account, clarify lien hearing procedures, and add an employee class to enforce Sections 293 through 293.2.

FINALLY PASSED

100708 [Golden Gate Park Concourse Underground Parking Facility Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.35 to increase the fees at the Golden Gate Park Concourse Underground Parking Facility, and making environmental findings.

FINALLY PASSED

100709 [Police Department Permit Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Police Code, Article 1, by amending Section 2.1 to include a definition of "service fee" and amending Sections 2.26 and 2.27 to increase or establish certain Police Department permit filing, service and license fees and to delete duplicative or obsolete language, and making environmental findings.

FINALLY PASSED

100711 [Establishing a Fee to Regulate Revenue Control Equipment at Parking Stations]

Sponsor: Mayor

Ordinance amending the Business and Tax Regulation Code, Article 22, by adding Sections 2219, 2219.5, 2219.6, 2219.7, 2219.8, 2219.9, 2219.10 and 2219.11, to impose a fee on all parking stations that are subject to the requirements in Article 22 to recover administrative and enforcement costs.

FINALLY PASSED

100713 [Fire Department Services Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Fire Code, Appendix Chapter 1, Section 112, by amending Sections 112.8, 112.15, and Table 112-B to increase fees for certain Fire Department services, and making environmental findings.

FINALLY PASSED

100714 [Fire Department Emergency Medical Services Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Health Code, Article 3, by amending Section 128.1 to increase fees for Fire Department emergency medical services and to update the language regarding fee changes in subsequent fiscal years, and making environmental findings.

FINALLY PASSED

100717 [Registration Fees for Inspecting and Testing Commercial Weighing and Measuring Devices]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 1, by amending Section 1.13-5 to update registration fees for inspecting and testing commercial devices as authorized by California Business and Professions Code Sec. 12210.5 and set by the California Department of Food and Agriculture, and deleting obsolete language.

FINALLY PASSED

100718 [Structural Pest Control Registration and Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 1, by amending Section 1.13-1 to establish reasonable registration fees for structural pest control businesses as authorized by the California Food and Agricultural Code Sections 15204 and 15204.5 and set by the California Department of Food and Agriculture, and deleting obsolete language.

FINALLY PASSED

100719 [Patient Rates]

Sponsor: Mayor

Ordinance amending the San Francisco Health Code, Article 3, by amending Section 128 to set patient rates and other services provided by the Department of Public Health, effective July 1, 2010.

FINALLY PASSED

100720 [Food Permit Requirements and Fees for Caterers]

Sponsor: Mayor

Ordinance amending San Francisco Health Code, Article 8, by amending Section 451, and amending San Francisco Business and Tax Regulations Code, Article 2, by amending Section 249.1, and adding Section 249.22 to update definitions and add fees and permitting requirements for caterers, and provide a mechanism for the Controller's Office annually to adjust fees to track program costs.

FINALLY PASSED

100721 [Above-ground Storage Tank Fees]

Sponsor: Mayor

Ordinance amending San Francisco Health Code, Article 21, by amending Sections 1102 and 1176, by adding above-ground storage tank definitions and fees.

FINALLY PASSED

100723 [Building Code – Unsafe Building, Printing, and Reproduction Fees]

Sponsor: Mayor

Ordinance amending the Building Code, Chapter 1A, to amend Section 102A.3 to assess a monthly monitoring fee for specified unsafe buildings; Table 1A-D concerning inspector fees; Table 1A-K concerning violation monitoring fees; and Table 1A-L concerning printing and document reproduction fees; and adopting environmental findings.

FINALLY PASSED

100741 [Accept and Expend Grant - Human Service Agency's Temporary Assistance to Needy Families Emergency Contingency Fund - Not to Exceed $153,741,681]

Sponsor: Mayor

Ordinance amending the FY2010-2011 Annual Salary Ordinance to reflect the addition of temporary salaries of $22,698,000 and authorizing the Human Services Agency to retroactively accept and expend a grant not to exceed the amount of $52,038,115 from the United States Department of Health and Human Services, as part of the American Recovery and Reinvestment Act of 2009, to support the Mayor's Jobs NOW Program, and authorizing the Human Services Agency to accept and expend an additional grant not to exceed $101,703,566 pending final approval by the U.S. Congress to extend federal funding beyond September 30, 2010, for a total amount not to exceed $153,741,681; placing $101,703,566 on Controller's reserve.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

100323 [Liquor License Transfer - 161 Erie Street]

Resolution determining that the transfer of a Type 48 On-Sale General Public Premises Liquor License from 517 Clement Street to 161 Erie Street (District 8) to Peter Gilkshtern and Jeff Whitmore for 1six1, Inc., dba The Public Works, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

100684 [Liquor License - 1957 Union Street]

Resolution determining that the issuance of a Type 20 On-Sale Beer and Wine Public Premises Liquor License to Melissa Gisler Modanlou, for Spuntino di Ottimista, located at 1957 Union Street (District 2), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

100686 [Liquor License - 1455 Van Ness Avenue]

Resolution determining that the issuance of a Type 20 Off-Sale Beer and Wine Liquor License to Parisima and Amanzio Tamanti for Tosco Wines, Inc. dba Vino Nostro, located at 1455 Van Ness Avenue (District 2), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

100806 [Accept and Expend Grant - California Colon Cancer Control Health Program - $320,367]

Sponsors: Dufty; Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the California Department of Public Health in the amount of $320,367 to fund the California Colon Cancer Control Health Program for the period May 1, 2010, through June 30, 2013.

ADOPTED

100807 [Accept and Expend Grant - President's Emergency Plan for Aid - $200,331]

Sponsors: Dufty; Campos

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $200,331 from the University of California San Francisco to assist with a project entitled "President's Emergency Plan for Aid" for the period April 1, 2010, through March 31, 2011.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

Recommendations of the Rules Committee

100689 [Settlement of Lawsuit - Nelson A. Estival - $57,500]

Ordinance authorizing settlement of the lawsuit filed by Nelson A. Estival against the City and County of San Francisco for $57,500; the lawsuit was filed on July 24, 2008, in San Francisco Superior Court, Case No. CGC 09-477871, entitled Estival v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

100690 [Settlement of Lawsuit - Anthony Landry - $70,000]

Ordinance authorizing settlement of the lawsuit filed by Anthony Landry against the City and County of San Francisco for $70,000; the lawsuit was filed on July 17, 2008, in the San Francisco Superior Court, Case No. CGC 08-744565, entitled Anthony Landry v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

100691 [Settlement of Lawsuit - Bayshore Sanitary District - $407,000]

Ordinance authorizing settlement of the lawsuit entitled Bayshore Sanitary District v. City and County of San Francisco, et al., filed on November 21, 2007, in San Francisco Superior Court, Case No. 07-469434. Pursuant to the proposed settlement, the City will execute a revenue refund adjustment for the Bayshore Sanitary District's sewer services billings in the amount of $407,000. In return, the Bayshore Sanitary District will implement measures to ensure that future errors in measuring wastewater flow are promptly detected and corrected and limit its recovery of any overcharges due to equipment error in the future. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Sub-Committee

100581 [General Obligation Bonds - Earthquake Safety Retrofit Deferred Loan and Grant Program General Obligation Bonds 2010 - Estimated Cost $46,150,000]

Sponsor: Mayor

Resolution determining and declaring that the public interest and necessity demand the construction, improvement and seismic retrofitting of multi-story wood framed affordable housing soft-story buildings for earthquake safety funded by the City or other qualified governmental housing finance agency, or owned by private third-parties and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $39,140,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution determining and declaring that the public interest and necessity demand the construction, improvement and seismic retrofitting of multi-story wood framed affordable housing soft-story buildings for earthquake safety funded by the City or other qualified governmental housing finance agency, or owned by private third-parties and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $46,150,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED AS AMENDED to July 20, 2010, as a Committee of the Whole. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100557 [Assessment Appeals Board - Increasing Administrative Processing Fees, Adding Certain Waivers, and Changing to an Hourly Rate for Findings of Fact Fees]

Sponsor: Avalos

Ordinance amending Administrative Code Chapter 2B "Assessment Appeals Boards," by amending Section 2B.9 to increase the administrative processing fee per application from $30 to $60 by adding a fee waiver for any property assessed on the roll at a value of $7,500 or less, and by adding a fee waiver for any property where there is a difference of $7,500 or less between the taxpayer's opinion of value on the application and the subject property's assessed value on the roll; and by amending Section 2B.11 to change the findings of fact fees from a sliding scale of $100 to $1,000 to an hourly rate of $215 with a maximum of 30 hours billed.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Budget and Finance Committee

100710 [Increasing Street Artist Certificate Fee]

Sponsor: Mayor

Ordinance amending the San Francisco Police code, Article 24, by amending Section 2404.1 to increase the fee for a Street Artist Certificate and making environmental findings.

Privilege of the floor was granted to Ben Rosenfield (Controller) who responded to questions raised throughout the discussion regarding File No. 100710.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 – Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Daly

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100701 [Proposed Consolidated Budget and Annual Appropriation Ordinance, FYs Ending June 30, 2011, and June 30, 2012]

Sponsor: Mayor

Proposed Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for the FYs ending June 30, 2011, and June 30, 2012.
(Supervisor Elsbernd dissented in Committee.)

Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED ON FIRST READING to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100747 [Proposed Annual Salary Ordinance, FY Ending June 30, 2011, for all Departments, and for FY Ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission]

Sponsor: Mayor

Proposed Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2011, for all departments and for FY ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED ON FIRST READING to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100715 [Fire Department Cost Recovery for Vehicle Incidents]

Sponsor: Mayor

Ordinance amending the San Francisco Fire Code, Appendix Chapter 1, by adding Section 112.22 to authorize the Fire Department to recover costs incurred removing vehicle contents from City streets and highways after vehicle incidents.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100725 [Establishing Automated Point-of-Sale Systems Registration, Inspection and Reinspection Requirements and Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code by adding Chapter 115, Sections 115 through 115.8, to establish registration, inspection and reinspection requirements and fees for automated point-of-sale (scanner) systems to ensure compliance with California Business and Professions Code Sections 120242, 12024.6, and 12103.5, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100727 [Redevelopment Agency Budget and Bonds FY2010-2011 - Not to Exceed $64,000,000]

Sponsor: Mayor

Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for FY2010-2011 and approving the Issuance by the Redevelopment Agency of Bonds in an aggregate principal amount of not to exceed $64,000,000 to finance a portion of redevelopment activities described in such approved Budget for FY2010-2011.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100752 [Approval of Contract with Siemens Medical Solutions USA, Inc. - $33,820,487]

Sponsor: Chiu

Resolution authorizing the San Francisco Department of Public Health, to enter into a contract with Siemens Medical Solutions USA, Inc., for the continued licensing and maintenance of proprietary Siemens Applications for the initial term of July 1, 2010, through June 30, 2017, with one option to extend the initial term for an additional twenty four months ending June 30, 2019.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100763 [Supporting the Budget Efforts of the Democratic Leadership in the California Senate and Assembly]

Sponsors: Chiu; Mar

Resolution supporting the Assembly's Democratic budget proposal, also known as the California Jobs Budget.

Supervisor Mar requested to be added as a co-sponsor.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution supporting the Democratic leadership in the California Senate and Assembly in their efforts to negotiate a budget solution based on a unified set of Democratic values.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100813 [Agreement with the San Francisco County Transportation Authority Relating to Yerba Buena Island Ramps - Not to Exceed $18,830,000]

Sponsor: Mayor

Resolution approving a Third Amendment to the Memorandum of Agreement between the Treasure Island Development Authority and the San Francisco County Transportation Authority for project management services and consultant services for the preparation of a project report and environmental document for the Yerba Buena Island Ramps to amend the scope of work and increase the not to exceed budget to $18,830,000.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

100671 [Smoking Prohibition Signage Requirement]

Sponsor: Mar

Ordinance amending San Francisco Health Code Section 1009.22 to clarify signage language requirement.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100758 [Public Works Code - Banners in the North of Market/Tenderloin Community Benefit District]

Sponsor: Daly

Ordinance amending Public Works Code, Article 5.7, Section 184.78 to allow the posting of banners in the North of Market/Tenderloin Community Benefit District as defined herein and adopting environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

100808 [Memorandum of Understanding, Amendment No. 2 - Municipal Executives' Association Police]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100810 [Memorandum of Understanding, Amendment No. 3 - San Francisco Firefighters, Local 798, (Unit 2)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2, by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.
(Supervisor Daly dissented in committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly

100811 [Memorandum of Understanding, Amendment No. 2 - San Francisco Police Officers' Association (Units P-1 & P-2A)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 & P-2A), by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly

100812 [Memorandum of Understanding, Amendment No. 2 - San Francisco Police Officers' Association (Unit P-2B)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B), by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly

100866 [Memorandum of Understanding, Amendment No. 2 - Freight Checkers, Clerical Employees and Helpers, Teamsters Local 856 (Supervising Registered Nurses, Unit 11.B)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees and Helpers, Teamsters Local 856 (Supervising Registered Nurses, Unit 11.B.), by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100867 [Memorandum of Understanding, Amendment No. 2 - Municipal Executives' Association Fire]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

(Supervisor Daly dissented in committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

100868 [Memorandum of Understanding - Service Employees International Union, Local 1021 Staff and Per Diem Nurses]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 Staff and Per Diem Nurses, to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Government Audit and Oversight Committee Without Recommendation

Supervisor Chu Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that Supervisor Chu be excused from voting on File No. 100809. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Chu

100809 [Memorandum of Understanding, Amendment No. 3 - San Francisco Firefighters, Local 798, (Unit 1)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1, by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Chiu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly
Excused: 1 - Chu

Recommendations of the Rules Committee

100629 [San Francisco Affordable Housing Fund]

Sponsor: Daly

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 16.127 to: (1) establish baseline appropriation and make an annual appropriation of the equivalent of 33% of any available general fund budget surplus for the next fifteen (15) years to support affordable housing programs; (2) require the Mayor's Office of Housing, in cooperation with the Department of Public Health and Department of Human Services, to prepare an affordable housing plan every three (3) years and an annual affordable housing budget; (3) affirm City policy urging the Redevelopment Agency to use at least 50% of its tax increment funds for low and moderate income housing; and (4) set an expiration date of July 1, 2026.
(Supervisor Alioto-Pier dissented in committee.)

Supervisor Daly, seconded by Supervisor Dufty, moved that this Charter Amendment be CONTINUED to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100630 [Requiring the Mayor to Appear Personally at One Regularly-Scheduled Meeting of the Board of Supervisors Each Month to Engage in Formal Policy Discussions with Members of the Board]

Sponsor: Daly

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 2.103 and 3.100, to require the Mayor to appear personally at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board and to authorize the Board to adopt rules and guidelines.

Supervisor Daly, seconded by Supervisor Campos, moved that this Charter Amendment be CONTINUED to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100636 [Establishment of Rent Board in Charter; Appointment and Removal of Members and Alternate Members]

Sponsors: Campos; Avalos, Daly, Mar, Maxwell, Mirkarimi and Chiu

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 4.136, and amending Section 15.105. Section 4.136 would be added to: establish the Residential Rent Stabilization and Arbitration Board (Rent Board) in the Charter; authorize the Board of Supervisors to appoint three members and three alternate members, authorize the Mayor to appoint three members and three alternate members, and authorize the Board of Supervisors President and the Mayor to jointly appoint one member and one alternate member; and provide that the Rent Board will consist of three tenants, two landlords, and two neutral members, with an alternate for each member. Charter Section 15.105, which enumerates commissions whose members are subject to removal only for official misconduct, would be amended to include Rent Board members and alternate members.

Supervisor Campos, seconded by Supervisor Mar, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Charter Amendment to amend the Charter of the City and County of San Francisco by adding Section 4.136, and amending Section 15.105. Section 4.136 would be added to: establish the Residential Rent Stabilization and Arbitration Board (Rent Board) in the Charter; authorize the Board of Supervisors to appoint three members and three alternate members, authorize the Mayor to appoint three members and three alternate members, and authorize the Board of Supervisors President and the Mayor to jointly appoint one member and one alternate member; and provide that the Rent Board will consist of two tenants, two landlords, and three neutral members, with an alternate for each member. Charter Section 15.105, which enumerates commissions whose members are subject to removal only for official misconduct, would be amended to include Rent Board members and alternate members.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED AS AMENDED to July 20, 2010, as a Committee of the Whole. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100895 [Committee of the Whole - Hearing on Proposed Amendments to the Bayview Hunters Point and Hunters Point Shipyard Redevelopment Plans]

Hearing of persons interested in or objecting to proposed Ordinances approving and adopting an amendment to the Redevelopment Plan for the Bayview Hunters Point and Hunters Point Shipyard Redevelopment Project Areas; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the Bayview Hunters Point and Hunters Point Shipyard Redevelopment Plans as referenced in File Nos. 100658 and 100659. Mark Cohen (Mayor's Office of Economic Development) provided an overview of the project areas. Eric Brooks; Reverend Townsend; Connie Ford; spoke expressing support for the plans. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.

100861 [Public Hearing - Appeal of Certification of Final Environmental Impact Report - Candlestick Point - Hunters Point Shipyard Phase II Development Plan]

Hearing of persons interested in or objecting to the decision of the Planning Commission's June 3, 2010, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0946E, through its Motion No. 18096, for a proposed Candlestick Point - Hunters Point Shipyard Phase II Development Plan located at Candlestick Point and Hunters Point Shipyard (District 10) (Appellants: Jaron Browne on behalf of POWER, Filed June 21, 2010; Arthur Feinstein on behalf of Sierra Club-SF Bay Chapter, Jennifer Clary on behalf of SF Tomorrow, Michael Lynes on behalf of Golden Gate Audubon Society and Linda J. Shaffer on behalf of Yerba Buena Chapter, Filed June 21, 2010; James M. Birkelund of Law Offices of James Birkelund, Filed June 22, 2010; and Stephan C. Volker of Law Offices of Stephan C. Volker, Filed June 23, 2010). (Filed June 21-23, 2010, Companion to File Nos. 100862, 100863, 100864)

The President inquired as to whether any member of the public wished to address the Board. Jaron Browne, Michael Lyon, Stephan Volker, Wilma Subra, Monique Carden, and Arthur Feinstein (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Bernie Shorn; Female Speaker; Female Speaker; Linda Shaffer; Male Speaker; Dr. Ahimsa Sumahai; Chester; Abdallah Megahed; Kate Kelley; Holli Bert; Esselene Stancil; Carolyn Blair; Mary Williams; Pam Talvi; Jennifer Clary; Noreen Weeden; Marie Harrison; Cory Hawkins; Ron Stutz; Carmen Brightman; Isaac Bowers; William Ratcliff; Female Speaker; Christina Jackson; Male Speaker; Male Speaker; David Tse; Shashana; Fey; Gayan; Stephanie Chan; Pamela Clark; Trinity Schwabacher; Kristen; Lauren; Bradley; Lynn Montoya; Oscar James; Male Speaker; Roger Stud; Female Speaker; Eric Brooks; Male Speaker; Shariq Tae Diggs; Luis Esparza; Ryan Black; Lauren; Alicia Garza; Angela Mandriaga; Female Speaker; Eric Butler; Ricco; Male Speaker; David; Female Speaker; Regina Davis; Tony Kelly; Sergio Navarro; Male Speaker; Jerio Lee; Drew Christopher Joy; Patricia Rella; Louis Chavez; Jose Pavon; Male Speaker; spoke in support of the appeal. Joy Navarrete and Bill Wycko (Planning Department), Stanley Muraoka and Kate Hartley (Redevelopment Agency), Michael Cohen (Mayor's Office of Economic Development), Amy Brownell (Department of Public Health), Mark Rippa (U.S. EPA), and Peter Albert (MTA), provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Koffi Bonner (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Willie B. Kennedy; Joan Pierson; Joe Ma; Simon Chan; Ollie Burgess; Wanda Green; Frederick Rhinehill; Nicholas Rivera; Stormy Hayden; Minister Carl Alexander; Eileen Hines; Matt Regan; Linda Richardson; Fran; Ru Pa Bing; Chuck; Marcia Dale-LeWinter; Dave Figueroa; Tony Rodriguez; David De La Torre; Andrea Berry; Angelo King; Sylvia Larsen; Pastor Josiah Bell; Steven Hines; Tim Colen; Cathy Davis; Laneisha Johnson; Kenya; Geneva; Shameka Knight; Katina Taylor; Martin Espinosa; Adrian Simi; Ian Marquez; Ricardo Contreras; Christine Anea; Male Speaker; Male Speaker; Mindy Kener; Terry Ander; John Mataka; Charlie Lavery; Debi Muise; Glenda Holmes; Female Speaker; Karen Winger; Rolanda King; Bradley; Ken Trey; Conny Ford; Mike Torio; Diedre Smith; Oscar James; Carlton McAllister; Tim Paulson; Eric Smith; Grace Martinez; Female Speaker; Giselle Quezada; Jaqueline Phillips; Richard Hopson; Ben Shore; Male Speaker; Gary Banks; Steven Leiber; Male Speaker; Male Speaker; Arnold Townsend; spoke in support of the project and in opposition to the appeal. Michael Lyon, Monique Carden, and Wilma Subra (Appellants) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

100862 [Affirming Certification of Candlestick Point - Hunters Point Shipyard Phase II Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Candlestick Point - Hunters Point Shipyard Phase II Project.

Supervisor Daly, seconded by Supervisor Avalos, moved to CONTINUE to July 27, 2010. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Daly, Mar, Mirkarimi
Noes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Motion No. M10-110

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 3 - Avalos, Daly, Mar

100863 [Reversing Certification of Candlestick Point - Hunters Point Shipyard Phase II Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for Candlestick Point - Hunters Point Shipyard Phase II Project.

Supervisor Daly, seconded by Supervisor Avalos, moved to CONTINUE to July 27, 2010. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Daly, Mar, Mirkarimi
Noes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 3 - Avalos, Daly, Mar

100864 [Preparation of Findings to Reverse Certification of Candlestick Point - Hunters Point Shipyard Phase II Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the Candlestick Point - Hunters Point Shipyard Phase II Project.

Supervisor Daly, seconded by Supervisor Avalos, moved to CONTINUE to July 27, 2010. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Daly, Mar, Mirkarimi
Noes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 3 - Avalos, Daly, Mar

SPECIAL ORDER 4:00 P.M.

100252 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 100 - 32nd Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 19, 2009, Case No. 2007.0129E, that a project located at 100 - 32nd Avenue is exempt from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1)). The proposal would add a three-story side horizontal addition and would enlarge the existing partial fourth floor at the existing four-story, single-family residence located in an RH-1(D) (Residential, House, Single-Family, Detached) District and a 40-X Height and Bulk District, in Assessor's Block No. 1312, Lot No. 008. (District 2) (Appellant: Stephen M. Williams on behalf of Sanford Garfinkel, other neighbors, and the Lincoln Park Neighborhood Association) (Clerk of the Board)
(Filed March 1, 2010; Companion Measure to File Nos. 100253, 100254, 100255.)

The President indicated receipt of a letter, dated July 12, 2010, from the Planning Department rescinding their determination of exemption from environmental review.

TABLED BY OPERATION OF LAW

100253 [Affirming the Exemption Determination for 100 - 32nd Avenue]

Motion affirming the determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

TABLED BY OPERATION OF LAW

100254 [Reversing the Exemption Determination Issued for 100 - 32nd Avenue]

Motion reversing the determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

TABLED BY OPERATION OF LAW

100255 [Preparation of Findings Related to the Exemption Determination for the 100 - 32nd Avenue]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

TABLED BY OPERATION OF LAW

SPECIAL ORDER 4:00 P.M.

100786 [Public Hearing - Appeal of Certification of Final Environmental Impact Report - 900 Folsom Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's May 20, 2010, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0689E, through its Motion No. 18086, for a proposed mixed-use project at 900 Folsom Street, to construct a 9-story, 85-foot tall building with ground and basement level parking, with up to 269 dwelling units, approximately 4,146 square feet of ground floor commercial space along 5th Street, and up to 221 off-street parking spaces (including stackers). The subject property is within the Mixed Use - Residential (MUR) District with a 45-X and 85-X Height and Bulk District, Lot Nos. 009, 018, 048, and 147 in Assessor's Block No. 3732. (District 6) (Appellants: Angelica Cabande on behalf of South of Market Community Action Network (SOMCAN) and Roy Recio on behalf of Manilatown Heritage Foundation).
(Filed June 9, 2010, Companion to File Nos. 100787, 100788, 100789)

The President indicated receipt of a letter, dated July 12, 2010, from the Appellants withdrawing their appeal and inquired as to whether any member of the public wished to address the Board. There were no speakers. The President closed the public hearing.

HEARD AT PUBLIC HEARING

100787 [Affirming the Certification of the 900 Folsom Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 900 Folsom Street Project. (Clerk of the Board)

Motion No. M10-107

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100788 [Reversing the Certification of the 900 Folsom Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 900 Folsom Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100789 [Preparation of Findings to Reverse Certification of the 900 Folsom Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 900 Folsom Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

100790 [Public Hearing - Appeal of Certification of Final Environmental Impact Report - 260 - 5th Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's May 20, 2010, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0690E, through its Motion No. 18087, for a proposed mixed-use project at 260 - 5th Street, to demolish an existing light industrial building on the site and construct a 9-story, 85-foot tall building with a basement level parking garage, creating up to 179 dwelling units, approximately 5,281 square feet of ground floor commercial space along 5th Street, and up to 102 off-street parking spaces (including stackers). The subject property is within the Mixed Use - Residential (MUR) District with an 85-X Height and Bulk District, Lot No. 008 in Assessor's Block No. 3732. (District 6) (Appellants: Angelica Cabande on behalf of South of Market Community Action Network (SOMCAN) and Roy Recio on behalf of Manilatown Heritage Foundation).
(Filed June 9, 2010, Companion to File Nos. 100791, 100792, 100793)

The President indicated receipt of a letter, dated July 12, 2010, from the Appellants withdrawing their appeal and inquired as to whether any member of the public wished to address the Board. There were no speakers. The President closed the public hearing.

HEARD AT PUBLIC HEARING

100791 [Affirming the Certification of the 260 - 5th Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 260 - 5th Street Project. (Clerk of the Board)

Motion No. M10-108

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100792 [Reversing the Certification of the 260 - 5th Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 260 - 5th Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100793 [Preparation of Findings to Reverse Certification of the 260 - 5th Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 260 - 5th Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

Recommendations of the Rules Committee

100634 [Health Service Board Terms and Elections]

Sponsor: Elsbernd

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 12.00, to shorten, on a one-time basis, the term of one Health Service Board member from five years to three years, and the term of another Health Service Board member from five years to two years, so that Board terms will expire in pairs in the future and can be filled during the same Board election.

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100635 [Non-Citizen Voting in School Board Elections]

Sponsors: Chiu; Campos, Mar, Avalos, Mirkarimi, Maxwell, Daly and Dufty

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100 and adding Section 13.111 to authorize San Francisco residents 18 years of age or older who are the parents, legal guardians or caregivers of children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the residents are United States citizens.

Supervisor Chu, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100267 [Election Day Voter Registration]

Sponsor: Mirkarimi

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Article XVII to change the definition of "voters."

Supervisor Mirkarimi, seconded by Supervisor Campos, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 13.112 and amending Article XVII to establish Election Day Voter Registration for exclusively municipal elections.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED AS AMENDED to July 20, 2010, as a Committee of the Whole. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100632 [Public Education Enrichment Fund]

Sponsor: Alioto-Pier

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 16.23-10, to extend the automatic expiration of the Public Education Enrichment Fund from June 30, 2015, to June 30, 2016; amending Sections 16.123-2 and 16.123-8, to make conforming changes; amending Section 16.123-3, to use any surplus returned from the Library Preservation Fund Baseline to fund part of the City's required disbursements under the Pubic Education Enrichment Fund for, among other things, library programs; amending Section 16.123-5, to allow the City to use monies in the Fund to pay college tuition and fees for students attending City College or San Francisco State; amending Section 16.123-6, to authorize the Youth Commission to review expenditure plans submitted by the School District and the First Five Commission, amending Section 16.123-8, to require the City to recommend a Rainy Day Reserve policy for the San Francisco Unified School District covering local revenues and authorize the City to suspend disbursements from the Fund to the School District unless the District certifies that it has adopted and followed the policy; and, repealing Section 16.123-7 as obsolete.

This item was not sent as a Committee Report.

100633 [Split Appointments to the Recreation and Park Commission]

Sponsors: Mirkarimi; Campos, Mar, Daly and Avalos

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.113 to split the power to make appointments to the Recreation and Park Commission between the Mayor and the Board of Supervisors, and amending Section 15.105 to provide that the appropriate appointing authority may initiate removal of Recreation and Park Commissioners.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Charter Amendment be CONTINUED to July 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100637 [San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]

Sponsors: Campos; Mirkarimi, Chiu and Mar

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section(s) 8A. 101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, A8.409-1, A8.409-4 and A8.428, and deleting Section and A8.404, to provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors, allocate a share of property tax revenues to the Transportation Fund, require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors, establish an Office of the MTA Inspector General, and eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining.

This item was not sent as a Committee Report.

From the Budget and Finance Committee Without Recommendation

100580 [General Obligation Bond - Earthquake Safety Retrofit Deferred Loan and Grant Program General Obligation Bond - November 2, 2010, Election]

Sponsor: Mayor

Ordinance calling and providing for a consolidated general election to be held in the City and County of San Francisco on Tuesday, November 2, 2010, for the purpose of submitting to the voters of the City and County of San Francisco a proposition to authorize general obligation bonded indebtedness of the City and County in the Amount of Thirty Nine Million One Hundred and Forty Thousand Dollars ($39,140,000) to provide loans to pay the costs of seismic retrofits to multi-story wood structures that are at significant risk of substantial damage and collapse during an earthquake, finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest thereof; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election on the same date; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of Article V of Chapter V of the San Francisco Administrative Code; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

See File No. 100581 above.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance calling and providing for a consolidated general election to be held in the City and County of San Francisco on Tuesday, November 2, 2010, for the purpose of submitting to the voters of the City and County of San Francisco a proposition to authorize general obligation bonded indebtedness of the City and County in the Amount of Forty Six Million One Hundred and Fifty Thousand Dollars ($46,150,000) to provide deferred loans and/or grants to pay the costs of seismic retrofits to multi-story wood structures that are at significant risk of substantial damage and collapse during an earthquake; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest thereof; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election on the same date; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of Article V of Chapter V of the San Francisco Administrative Code; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be PASSED ON FIRST READING AS AMENDED to July 20, 2010, as a Committee of the Whole. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Land Use and Economic Development Committee Without Recommendation

100658 [Bayview Hunters Point Redevelopment Project Area]

Sponsors: Mayor; Maxwell

Ordinance approving and adopting an amendment to the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project Area; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED ON FIRST READING to July 27, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100659 [Hunters Point Shipyard Redevelopment Project Area]

Sponsors: Mayor; Maxwell

Ordinance approving and adopting an amendment to the Redevelopment Plan for the Hunters Point Shipyard Redevelopment Project Area; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED ON FIRST READING to July 27, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Shirley Hansen; expressed concerns regarding civil grand jury report and pension costs.
Male Speaker; expressed various concerns.
Female Speaker; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Alioto-Pier was noted absent at 3:54 p.m., and noted present at 4:29 p.m.
Supervisor Maxwell was noted absent at 5:33 p.m., and noted present at 5:51 p.m.

100887 [Support Assembly Bill 1652 Regarding the Ski Resort Safety Act]

Sponsor: Alioto-Pier

Resolution supporting Assembly Bill 1652 regarding the Ski Resort Safety Act.

ADOPTED

100888 [Approving Associate Membership in the California Enterprise Development Authority]

Sponsor: Daly

Resolution approving associate membership by the City and County of San Francisco in the California Enterprise Development Authority, a joint exercise of powers authority, and authorizing, and directing the execution of an Associate Membership Agreement relating to associate membership of the City in the Authority.

ADOPTED

100890 [San Francisco County Exhibit in the 2010 State Fair]
Sponsors: Chiu; Alioto-Pier
Motion appointing the City Administrator as the official representative of the City and County of San Francisco for the purpose of entering a county exhibit in the 2010 California State Fair and authorizing a county exhibit on San Francisco's behalf.

Supervisor Alioto-Pier requested to be added as a co-sponsor.

Motion No. M10-109

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

100909 [Appropriating $6,816,953 of General Fund Balance and Additional Revenues for Various Programs in Children, Youth, and Their Families and Human Services Agency for FY2010-2011]
Sponsor: Avalos
Ordinance appropriating $6,816,953, including $6,353,453 of General Fund balance, $320,000 of property tax revenues, $40,000 of administrative processing fees, and $103,500 of Federal Medi-Cal Title XIX revenues, and appropriating $5,470,339 for various programs in the Department of Children, Youth, and Their Families and $1,346,614 for various programs in Human Services Agency - Department of Aging and Adult Services for FY2010-2011, and urging the First Five Commission to program at least $693,000 of existing appropriation authority for Early Childcare and Education programs, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.

07/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100921 [San Francisco Public Housing Tenant Protection Ordinance]

Sponsors: Mirkarimi; Campos

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 39 to establish the San Francisco Public Housing Tenant Protection Ordinance and set City policy regarding Financial Assistance to development projects that involve the demolition, disposition, rehabilitation, and/or conversion of Public Housing Units and/or the relocation of tenants from Public Housing Units.

07/13/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/12/2010.

100922 [Authorizing the Department of Public Health to Enter Into Contracts for Out-of-County Behavioral Health Services in the Foster Care System]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code by amending Section 21.42 to authorize the Department of Public Health to contract for behavioral health services to children in the foster care system under the jurisdiction of the City and County of San Francisco and located outside of San Francisco, utilizing contracting language and forms mandated by the State of California under California Welfare and Institutions Code Section 5777.7.

07/13/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 8/12/2010.

Resolutions

100923 [Accept and Expend Grant - Department of Public Library - $80,000]

Sponsor: Chu

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $80,000 from the California State Library as part of the Federal Library Services and Technology Act for the Out-of-School-Time Online Homework Help Program.

07/13/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100924 [Loan from the Metropolitan Transportation Commission to Expand the Scope of the SFpark Pilot Projects - $22,000,000]

Sponsor: Mirkarimi

Resolution approving a loan agreement between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and the Metropolitan Transportation Commission for $22,000,000 of Congestion Mitigation and Air Quality Improvement funding to be repaid by the San Francisco Municipal Transportation Agency over a five year period with parking-related revenues.

07/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100925 [Contract with the San Francisco Community Health Authority to Provide Provider Payment Services for the Healthy San Francisco Program]

Sponsor: Mayor

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to contract with the San Francisco Community Health Authority to provide Provider Payment services for the Healthy San Francisco program for the term of July 1, 2010, through June 30, 2011.

07/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100926 [Authorizing Expenditures from SOMA Community Stabilization Fund - $2,762,000]
Sponsor: Mayor

Resolution authorizing the Mayor's Office of Housing to expend SOMA Community Stabilization Fund dollars under certain conditions in the amount of $2,762,000 to subsidize the development of onsite affordable rental housing units at 333 Harrison Street.

07/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100927 [Approving Retroactive Contracts with 20 Non-Profit Organizations and the University of California at San Francisco to Provide Behavioral Health Services]
Sponsor: Mayor

Resolution approving retroactive contracts with non-profit organizations and the University of California at San Francisco to provide behavioral health services for the period of July 1, 2010, through December 31, 2015.

07/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100928 [Accept and Expend Grant - Department of Public Works - $417,339]
Sponsors: Mayor; Dufty

Resolution authorizing the Department of Public Works to apply for, accept and expend $417,339 in Federal American Recovery and Reinvestment Act of 2009 Transportation Enhancement funds for the Corbin Place Stair Replacement Project.

07/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100929 [Approval of Amendment Agreement with the Tides Center - $10,570,840]
Sponsor: Mayor

Resolution retroactively approving amendment to agreement with the Tides Center to provide property management services at the Direct Access to Housing sites to extend the contract term by three years and increase the contract amount by $10,570,840.

07/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100930 [Adopting California Environmental Quality Act Findings and Authorizing Grant Expenditure for Cesar Chavez Sewer System Improvement Project]
Sponsor: Mayor

Resolution adopting findings under the California Environmental Quality Act, CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program, related to the funding of Project No. CENMSCIC11, Cesar Chavez Sewer System Improvement, directing the Clerk of the Board of Supervisors to notify the Controller of this action, and authorizing the San Francisco Public Utilities Commission to expend a grant in the amount of $477,900 from the U.S. Environmental Protection Agency through the Department of the Interior, Environment, and Related Agencies Appropriation Act of 2006.

07/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100931 [Local Support for Proposition 1B Local Streets and Road Projects]
Sponsor: Mayor

Resolution authorizing local support for street resurfacing projects to be funded by FY2009-2010 Proposition 1B State Infrastructure Bond funds from the Local Street and Road, Congestion Relief, and Traffic Safety Account of 2006.

100932 [Apply for State Used Oil Payment Program]

Sponsor: Mayor

Resolution authorizing the Department of the Environment to apply for annual grants from the California Department of Resources Recycling and Recovery for the purpose of increasing Used Motor Oil Recycling and Household Hazardous Waste Management.

07/13/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100933 [Homeland Security Grants]

Sponsor: Mayor

Resolution authorizing designated City and County officials to execute and file, on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California under various grant programs, including: the FY2010 Homeland Security Grant Program for the FY2010 Urban Areas Security Initiative (UASI) grant, the FY2010 Regional Catastrophic Preparedness Grant Program (RCPGP), the FY2010 Interoperable Emergency Communications Grant Program (IECGP), Public Law 111-83, FY2010 State Homeland Security Grant Program, FY2010 Metropolitan Medical Response System, FY2010 Citizen Corps Program, FY2010 Emergency Management Performance Grant, and FY2010 Buffer Zone Protection Program.

07/13/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100934 [Issuance and Sale of Tax-Exempt Revenue Bonds - Drew School - Not to Exceed - $8,000,000]

Sponsor: Alioto-Pier

Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $8,000,000 to finance and/or refinance various capital facilities owned by Drew School.

100935 [Supporting Eddy Zheng's Application to Remain Lawfully in the United States]

Sponsors: Chiu; Mar, Avalos, Mirkarimi, Campos, Chu and Maxwell

Resolution urging the Honorable Arnold Schwarzenegger, Governor of California, to grant Xiao Fei "Eddy" Zheng a full pardon and allow him to remain in the United States and to continue to serving youth in the San Francisco Bay Area community.

07/13/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100936 [Accept and Expend Grant - Early Childhood Mental Health Consultation Initiative - $20,000]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $20,000 from the San Francisco Foundation, to assist with a project entitled "Early Childhood Mental Health Consultation Initiative" for the period of June 1, 2010, through May 31, 2011.

07/13/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100937 [Honoring Duane Kuiper and Mike Krukow in Recognition of their 20th Anniversary as San Francisco Giants Broadcasters]

Sponsors: Dufty; Elsbernd

Resolution Honoring Duane Kuiper and Mike Krukow in recognition of their 20th Anniversary as San Francisco Giants broadcasters and wishing them the best over their next twenty years and beyond.

07/13/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100938 [Support Assembly Bill 32 Regarding the CLEAR Act]

Sponsor: Mirkarimi

Resolution in support of Assembly Bill 32 regarding the CLEAR Act pending in the United States Senate.

07/13/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

100835 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interest By Eminent Domain - 266-286 - 4th Street]

Motion that the Board of Supervisors hold a public hearing on July 27, 2010, at 3:00 p.m., with the Board of Supervisors, sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of the fee simple interest in real property commonly known as 266-286 - 4th Street, San Francisco, California, Assessor's Parcel No. Block 3733, Lot 093, by eminent domain, for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

06/21/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100838 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interest By Eminent Domain - 790 Market Street]

Motion that the Board of Supervisors hold a public hearing on July 27, 2010, at 3:00 p.m., with the Board of Supervisors, sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of a subsurface easement in real property commonly known as 790 Market Street, San Francisco, California, Assessor's Parcel No. Block 0328, Lot 002, by eminent domain, for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

06/21/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100841 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interest By Eminent Domain - 801 Market Street]

Motion that the Board of Supervisors hold a public hearing on July 27, 2010, at 3:00 p.m., with the Board of Supervisors, sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of a subsurface easement in real property commonly known as 801 Market Street, San Francisco, California, Assessor's Parcel No. Block 3705, Lot 48A, by eminent domain, for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

06/21/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100844 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interest By Eminent Domain - 933-949 Stockton Street]

Motion that the Board of Supervisors hold a public hearing on July 27, 2010, at 3:00 p.m., with the Board of Supervisors, sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of the fee simple interest in real property commonly known as 933-949 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0211, Lot 001, by eminent domain, for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

06/21/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100847 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interest By Eminent Domain - 1455 Stockton Street]

Motion that the Board of Supervisors hold a public hearing on July 27, 2010, at 3:00 p.m., with the Board of Supervisors, sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of a subsurface easement in real property commonly known as 1455 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0130, Lot 001, by eminent domain, for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

06/21/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100939 [Budget and Legislative Analyst Review of Aging in Place Practices and Resources]

Sponsor: Mar

Motion directing the Budget and Legislative Analyst to conduct a review of practices and resources that might enable aging adults in the City and County of San Francisco to live in their homes and communities independently. Specific areas of review may include: (1) determining the approximate number of seniors on affordable housing and public housing waitlists in San Francisco; (2) collecting and summarizing demographic information about seniors in San Francisco; (3) reviewing independent living programs and models including shared housing programs, cross-generational aging in place programs, volunteer health advocacy programs, and the non-profit retirement villages model; and (4) providing legislative recommendations for incentives that encourage property owners to make residential upgrades that increase accessibility and safety.

07/13/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Hearings

100940 [News Rack Program Updates]

Sponsor: Alioto-Pier

Hearing to discuss installation of news racks in San Francisco. Specifically, the hearing will focus on neighborhood newspapers' placement in neighborhood commercial districts, the method of dealing with publications that cease publication, and the schedule for future installation of news racks.

07/13/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100941 [City Services Auditor Report - San Francisco Police Department]

Sponsor: Mar

Hearing on the City Services Auditor Report on the San Francisco Police Department regarding cost estimates for achieving operational effectiveness in crime lab operations.

07/13/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

100942 [Gender Responsive Budgeting Report]

Sponsor: Mar

Hearing on the report on Gender Responsive Budgeting: A path to accountability and data-based policy-making by the Department on the Status of Women.

07/13/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

100944 [Committee of the Whole - Earthquake Safety Retrofit Deferred Loan and Grant Program General Obligation Bonds]

Hearing of persons interested in or objecting to the amendments to the proposed Resolution and Ordinance relating to the Earthquake Safety Retrofit Deferred Loan and Grant Program General Obligation Bonds. (Clerk of the Board)

07/13/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

100945 [Committee of the Whole - Establishment of Rent Board in Charter; Appointment and Removal of Members and Alternate Members Charter Amendment]
Hearing of persons interested in or objecting to the amendments to the proposed Charter Amendment to amend the Charter of the City and County of San Francisco by adding Section 4.136, and amending Section 15.105. Section 4.136 would be added to: establish the Residential Rent Stabilization and Arbitration Board (Rent Board) in the Charter; authorize the Board of Supervisors to appoint three members and three alternate members, authorize the Mayor to appoint three members and three alternate members, and authorize the Board of Supervisors President and the Mayor to jointly appoint one member and one alternate member; and provide that the Rent Board will consist of two tenants, two landlords, and three neutral members, with an alternate for each member. Charter Section 15.105, which enumerates commissions whose members are subject to removal only for official misconduct, would be amended to include Rent Board members and alternate members. (Clerk of the Board)

07/13/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

100949 [Committee of the Whole - Election Day Voter Registration Charter Amendment]
Hearing of persons interested in or objecting to the amendments to the proposed Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 13.112 and amending Article XVII to establish Election Day Voter Registration for exclusively municipal elections. (Clerk of the Board)

07/13/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

Introduced by the President at the Request of the Department

PROPOSED RESOLUTIONS

100832 [Contract with Institute on Aging for the Provision of Case Management, Community Living Fund and Linkages Program Services - Not to Exceed $13,191,544]
Resolution approving the grant agreement between the City and County of San Francisco and the non-profit Institute on Aging to provide Case Management, Community Living Fund and Linkages Program services to seniors and adults with disabilities during the period of July 1, 2010, to June 30, 2014, for a total not to exceed amount of $13,191,544. (Human Services Department)

06/24/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100833 [Approving Street Encroachment at Lake Merced Boulevard and Higuera Avenue]
Resolution granting revocable permission to Park Merced Investors Properties, LLC to occupy a portion of the public right-of-way for the installation and maintenance of a neighborhood sign (4' high x 36' wide x 32" deep) at the corner of Lake Merced Boulevard and Higuera Avenue in the median island (Block 0807, Lot 012), conditioned upon the payment of an annual assessment fee. (Public Works Department)

06/25/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100900 [Approval of Amendment No. 1 of Lease, Use and Operating Agreement for BART Station and Related Facilities and Grant Easement at San Francisco International Airport, Lease No. L97-0081]

Resolution approving and authorizing the execution of Amendment No. 1 to Lease, Use and Operating Agreement for BART Station and Related Facilities and Grant of Easement at San Francisco International Airport, Lease No. L97-0081 to: (1) limit BART Premium Fare (surcharge) for non-airline airport employees for $1.50 each way for the remainder of the Lease; (2) remove BART Faithful Performance Deposit requirement; (3) permit monthly payment by BART of the annual rent in lieu of advance annual payment; (4) allow advertising by BART in the Airport-BART Station; and (5) include administrative updates to the Lease. (Airport Commission)

06/30/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100901 [California Environmental Quality Act Findings for Water System Improvement Program Habitat Mitigation Actions]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation and monitoring reporting program and a statement of overriding considerations, related to full implementation of Habitat Mitigation Actions at two sites in Alameda County for the San Francisco Public Utilities Commission Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir project [CUW38101] and other Water System Improvement Program projects, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

07/02/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100904 [Special Assessment of Liens for Assessment of Cost]

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, Section 108A, and Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection, for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above.

06/30/10; RECEIVED AND ASSIGNED to Board of Supervisors.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 2:10 a.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, July 20, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT
JUL 23 2010
SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos	Wednesday 1:30 PM
Budget and Finance Sub-Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Daly	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

---

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:17 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to approve the Board Meeting Minutes of June 15, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Budget Director, Greg Wagner, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100715 [Fire Department Cost Recovery for Vehicle Incidents]

Sponsor: Mayor

Ordinance amending the San Francisco Fire Code, Appendix Chapter 1, by adding Section 112.22 to authorize the Fire Department to recover costs incurred removing vehicle contents from City streets and highways after vehicle incidents.

FINALLY PASSED

100725 [Establishing Automated Point-of-Sale Systems Registration, Inspection and Reinspection Requirements and Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code by adding Chapter 115, Sections 115 through 115.8, to establish registration, inspection and reinspection requirements and fees for automated point-of-sale (scanner) systems to ensure compliance with California Business and Professions Code Sections 120242, 12024.6, and 12103.5, and making environmental findings.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

100671 [Smoking Prohibition Signage Requirement]

Sponsor: Mar

Ordinance amending San Francisco Health Code Section 1009.22 to clarify signage language requirement.

FINALLY PASSED

100758 [Public Works Code - Banners in the North of Market/Tenderloin Community Benefit District]

Sponsor: Daly

Ordinance amending Public Works Code, Article 5.7, Section 184.78 to allow the posting of banners in the North of Market/Tenderloin Community Benefit District as defined herein and adopting environmental findings.

FINALLY PASSED

100885 [Accept and Expend Grant - Pedestrian and Bicycle Projects - $685,000]

Sponsor: Chu

Resolution authorizing the San Francisco Municipal Transportation Agency and the Department of Public Works to accept and expend State Transportation Development Act Article 3 funds totaling $685,000 which consists of $310,000 to the Department of Public Works and $375,000 to the San Francisco Municipal Transportation Agency, for various pedestrian and bicycle projects in the City and County of San Francisco in FY2010-2011.

ADOPTED

Recommendations of the Government Audit and Oversight Committee

100808 [Memorandum of Understanding, Amendment No. 2 - Municipal Executives' Association Police]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Police by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

FINALLY PASSED

100866 [Memorandum of Understanding, Amendment No. 2 - Freight Checkers, Clerical Employees and Helpers, Teamsters Local 856 (Supervising Registered Nurses, Unit 11.B)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees and Helpers, Teamsters Local 856 (Supervising Registered Nurses, Unit 11.B.), by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

FINALLY PASSED

100868 [Memorandum of Understanding - Service Employees International Union, Local 1021 Staff and Per Diem Nurses]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021 Staff and Per Diem Nurses, to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED

Recommendations of the Rules Committee

100856 [Settlement of Lawsuit - Jeffrey Bitton, Sandra Bitton and Micha Bitton - $48,500]

Ordinance authorizing settlement of the lawsuit filed by Jeffrey Bitton, Sandra Bitton, and Micha Bitton against the City and County of San Francisco for $48,500; the lawsuit was filed on December 15, 2008, in the United States District Court, Northern District of California, Case No. C08-5585; entitled Jeffrey Bitton, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100857 [Settlement of Attorney's Fees/Costs Claim in Lawsuit - A.N.S.W.E.R. Coalition - $90,000]

Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by A.N.S.W.E.R. Coalition - San Francisco in litigation against the City and County of San Francisco for $90,000.00; the lawsuit was filed on June 16, 2006, in San Francisco Superior Court, Case No. CPF-06-506438; entitled A.N.S.W.E.R. Coalition - San Francisco v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

100858 [Settlement of Unlitigated Claim - Barbara Whittenburg - $60,000]

Resolution approving the settlement of the unlitigated claim filed by Barbara Whittenburg against the City and County of San Francisco for $60,000; claim was filed on November 12, 2009. (City Attorney)

ADOPTED

100859 [Settlement of Unlitigated Claim - Lance Gentile - $105,000]

Resolution approving the settlement of the unlitigated claim filed by Lance Gentile against the City and County of San Francisco for $105,000; claim was filed on September 28, 2009. (City Attorney)

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

Supervisor Avalos, seconded by Supervisor Maxwell, moved to continue File Nos. 100701 and 100747 to later in the meeting. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Privilege of the floor was granted to Budget Director, Greg Wagner, who provided an overview and responded to questions raised throughout the discussion regarding File Nos. 100701 and 100747.

100701 [Proposed Consolidated Budget and Annual Appropriation Ordinance, FYs Ending June 30, 2011, and June 30, 2012]

Sponsor: Mayor

Proposed Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for the FYs ending June 30, 2011, and June 30, 2012.
(Supervisor Elsbernd dissented in Committee.)

The Mayor's Office submitted Technical Adjustment No. 5 to add revenue and selected program increases and Technical Adjustment No. 6 to merge a supplemental appropriation from File No. 100909 in the amount of $6,816,953 to the Annual Appropriate Ordinance (File No. 100701).

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED by adding Section 8.3 of the administrative provisions regarding 'Process for Addressing General Fund Revenue Shortfalls.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to delete $677,440 from Item Nos. 3, 6, and 8, from the technical adjustments to Item No. 5. The motion FAILED by the following vote:
Ayes: 2 - Daly, Mirkarimi
Noes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

See File No. 100747.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED by placing $44,000,000 on reserve of salaries of selected departments, and placing $6,800,000 on reserve of Department of Technology expenses of selected departments. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100747 [Proposed Annual Salary Ordinance, FY Ending June 30, 2011, for all Departments, and for FY Ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission]

Sponsor: Mayor

Proposed Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2011, for all departments and for FY ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

See File No. 100701.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendations of the Government Audit and Oversight Committee

100810 [Memorandum of Understanding, Amendment No. 3 - San Francisco Firefighters, Local 798, (Unit 2)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2, by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.
(Supervisor Daly dissented in committee.)

Privilege of the floor was granted to Martin Gran (Department of Human Resources) who responded to questions raised throughout the discussion.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly

100811 [Memorandum of Understanding, Amendment No. 2 - San Francisco Police Officers' Association (Units P-1 & P-2A)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 & P-2A), by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly

100812 [Memorandum of Understanding, Amendment No. 2 - San Francisco Police Officers' Association (Unit P-2B)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B), by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly

100867 [Memorandum of Understanding, Amendment No. 2 - Municipal Executives' Association Fire]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association Fire by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 3 - Campos, Daly, Mirkarimi

Supervisor Chu Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that Supervisor Chu be excused from voting on File No. 100809. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Chu

From the Government Audit and Oversight Committee Without Recommendation

100809 [Memorandum of Understanding, Amendment No. 3 - San Francisco Firefighters, Local 798, (Unit 1)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 3 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1, by extending the term of the parties' Agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

Privilege of the floor was granted to Martin Gran (Department of Human Resources) who responded to questions raised throughout the discussion.

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Chiu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Campos, Daly
Excused: 1 - Chu

Recommendations of the Rules Committee

100629 [San Francisco Affordable Housing Fund]

Sponsor: Daly

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 16.127 to: (1) establish baseline appropriation and make an annual appropriation of the equivalent of 33% of any available general fund budget surplus for the next fifteen (15) years to support affordable housing programs; (2) require the Mayor's Office of Housing, in cooperation with the Department of Public Health and Department of Human Services, to prepare an affordable housing plan every three (3) years and an annual affordable housing budget; (3) affirm City policy urging the Redevelopment Agency to use at least 50% of its tax increment funds for low and moderate income housing; and (4) set an expiration date of July 1, 2026.
(Supervisor Alioto-Pier dissented in committee.)

Privilege of the floor was granted to Monique Zmuda (Controller's Office) who responded to questions raised throughout the discussion.

ORDERED SUBMITTED. The motion FAILED by the following vote:

Ayes: 4 - Campos, Chiu, Daly, Mar
Noes: 7 - Alioto-Pier, Avalos, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi

100630 [Requiring the Mayor to Appear Personally at One Regularly-Scheduled Meeting of the Board of Supervisors Each Month to Engage in Formal Policy Discussions with Members of the Board]

Sponsor: Daly

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 2.103 and 3.100, to require the Mayor to appear personally at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board and to authorize the Board to adopt rules and guidelines.

ORDERED SUBMITTED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to continue File No. 100633 to later in the meeting. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

100633 [Split Appointments to the Recreation and Park Commission]

Sponsors: Mirkarimi; Campos, Mar, Daly and Avalos

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.113 to split the power to make appointments to the Recreation and Park Commission between the Mayor and the Board of Supervisors, and amending Section 15.105 to provide that the appropriate appointing authority may initiate removal of Recreation and Park Commissioners.

ORDERED SUBMITTED. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

100634 [Health Service Board Terms and Elections]

Sponsor: Elsbernd

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 12.00, to shorten, on a one-time basis, the term of one Health Service Board member from five years to three years, and the term of another Health Service Board member from five years to two years, so that Board terms will expire in pairs in the future and can be filled during the same Board election.

ORDERED SUBMITTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 2 - Daly, Mar

100635 [Non-Citizen Voting in School Board Elections]

Sponsors: Chiu; Campos, Mar, Avalos, Mirkarimi, Maxwell, Daly and Dufty

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100 and adding Section 13.111 to authorize San Francisco residents 18 years of age or older who are the parents, legal guardians or caregivers of children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the residents are United States citizens.

ORDERED SUBMITTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

100882 [Waiver of Street Encroachment Permit Fee for Golden Gate Transportation District]

Sponsor: Elsbernd

Ordinance waiving the street encroachment permit processing fee in Public Works Code Section 2.1.1(j) for signs related to bus service for the Golden Gate Bridge, Highway, and Transportation District.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100607 [Adopting California Environmental Quality Act Findings for Sunnydale Sewer System Improvement Project]

Resolution adopting findings under the California Environmental Quality Act, CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program, related to the funding of Project No. CENMSCIC23, Sunnydale Sewer System Improvement Project, in the Visitacion Valley and Sunnydale neighborhood areas, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100687 [Agreement to Purchase Permanent Subsurface Easements and Temporary License Agreements to Enter and Use Property for the Sunnydale Sewer System Improvement Project totaling $2,459,664]

Resolution approving and authorizing agreements for the acquisition of the following real property rights required for the Sunnydale Sewer Improvement Project No. CENMSCIC2362 (Project) totaling $2,459,664: (1) permanent subsurface sewer easements over portions of San Francisco APN 4991/24 and 4991/65 comprising 11,677.7 square feet, (2) permanent subsurface sewer easements over portions of San Francisco APN 5100/3, 5101/7, and 5102/9 comprising 24,468 square feet, (3) a temporary 18-month License with a 6-month option term over San Francisco APN 4991/24, 4991/61, 4991/65 comprising 47,568 square feet, and 22,215 square feet over the contiguous Brisbane APN 005-153-030, and (4) a temporary 18-month License with a 6-month option term over portions of San Francisco APN 5100/3 and 5107/1 comprising 24,613.7 square feet; adopting findings under the California Environmental Quality Act (CEQA); adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100688 [Agreement to Purchase Permanent Subsurface Easements for the Sunnydale Sewer Improvement Project totaling $174,001]

Resolution approving and authorizing agreements for the acquisition of permanent subsurface sewer easements required for the Sunnydale Sewer Improvement Project No. CENMSCIC2362 (the "Project") over portions of San Francisco APN 5104/4, 4991/7/8, 4991/9 and 4991/68 from Recology Properties, Inc. (fka Macor, Inc.) and Recology San Francisco (fka SF Recycling & disposal, Inc./fka Sanitary Fill Co.) totaling $174,001, comprising 31,826.19 square feet; adopting findings under the California Environmental Quality Act (CEQA); adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100780 [Amendment to Treasure Island South Waterfront Master Lease]

Resolution approving the Twenty-Sixth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100781 [Amendment to Treasure Island Land and Structures Master Lease]

Resolution approving the Thirty-Fourth Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100782 [Amendment to Treasure Island Marina Master Lease]

Resolution approving the Fourteenth Amendment to the Treasure Island Marina Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100783 [Amendment to Treasure Island Childcare Master Lease]

Resolution approving the Sixth Amendment to the Treasure Island Childcare Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100784 [Amendment to Treasure Island Event Venues Master Lease]

Resolution approving the Twenty-Second Amendment to the Treasure Island Event Venues Master Lease between the Treasure Island Development Authority and the U.S. Navy to extend the term. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100785 [Approving Modification to the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy]

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Modification to the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2010, to September 30, 2011. (Treasure Island Development Authority)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100796 [Agreement for Vehicle Towing, Storage and Disposal Services with TEGSCO, LLC, dba San Francisco Auto Return]

Sponsor: Elsbernd

Resolution approving the amended and restated service agreement and property use license for towing, storage and disposal of abandoned and illegally parked vehicles by and between the San Francisco Municipal Transportation Agency and TEGSCO, LLC, d.b.a. San Francisco Auto Return.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100805 [Memorandum of Understanding - Clipper Program Operations and Maintenance]

Sponsor: Dufty

Resolution approving the Memorandum of Understanding with the Metropolitan Transportation Commission, and other Bay Area transit agencies, for the future operation and maintenance of the Clipper Program.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100855 [Approve San Francisco Public Utilities Commission Calaveras Dam Replacement Construction Management Contract - Not to Exceed $38,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-911R, Calaveras Dam Replacement Construction Management Services, with Black and Veatch, for an amount not to exceed $38,000,000 with a term of up to five years and six months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Budget and Finance Committee

100729 [Treasure Island Development Authority Budget FY2010-2011]

Sponsor: Mayor

Resolution approving the Budget of the Treasure Island Development Authority for FY2010-2011.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100703 [Planning Code Amendments to Update Fees for Cost Recovery]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code, Article 3.5, by amending Sections 350, 351, 352, 353, 354, 355, and 358, to increase fees 2.61%, and an additional 2.04% for all fees except those associated with small projects for cost recovery; add a new fee for Conditional Use Applications for Wireless Telecommunication Services Facilities; increase the Discretionary Review filing fee; and make other adjustments for cost recovery.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100724 [Update to Environmental Review Fees to Increase Fees for Cost Recovery, Establish a New Fee for Mitigation and Conditions of Approval Monitoring, and Make Other Clarifying Changes]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 31, Articles IV and V, by amending Sections 31.22, 31.23, and 31.24, to increase all fees 2.61% which is the cost of living adjustment, and an additional 2.04% for cost recovery, further increase Categorical Exemption Class 32, Negative Declaration and Environmental Impact Report addendum fees for cost recovery, change the timing of Environmental Impact Report payments, add a new fee for mitigation and condition of approval monitoring, and for the Municipal Transportation Agency and Public Utilities Commission for Categorical Exemption Certificates, clarify phase collection payments and refund policy, and establish a processing fee for phased payments.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos, seconded by Supervisor Maxwell, moved to continue File Nos. 100909 to later in the meeting. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Privilege of the floor was granted to Budget Director, Greg Wagner, who provided an overview and responded to questions raised throughout the discussion regarding File No. 100909.

100909 [Appropriating $6,816,953 of General Fund Balance and Additional Revenues for Various Programs in Children, Youth, and Their Families and Human Services Agency for FY2010-2011]

Sponsor: Avalos

Ordinance appropriating $6,816,953, including $6,353,453 of General Fund balance, $320,000 of property tax revenues, $40,000 of administrative processing fees, and $103,500 of Federal Medi-Cal Title XIX revenues, and appropriating $5,470,339 for various programs in the Department of Children, Youth, and Their Families and $1,346,614 for various programs in Human Services Agency - Department of Aging and Adult Services for FY2010-2011, and urging the First Five Commission to program at least $693,000 of existing appropriation authority for Early Childcare and Education programs, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100886 [Approving the Issuance of Bonds for National Center for International Schools by the California Enterprise Development Authority - Not to Exceed $26,500,000]

Sponsor: Daly

Resolution approving the issuance, by the California Enterprise Development Authority, of its revenue obligations bonds for the benefit of National Center for International Schools, a nonprofit public benefit corporation, and/or a related entity in an aggregate principal amount not to exceed $26,500,000 for the purpose of financing and refinancing the cost of the acquisition, construction, rehabilitation, equipping and furnishing of certain property, providing the terms and conditions for such obligations and other matters relating thereto.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Committee Without Recommendation

100750 [Increase the Real Property Transfer Tax]

Sponsor: Avalos

Motion ordering submitted to the voters an ordinance authorizing an amendment to the Real Property Transfer Tax at an election to be held on November 2, 2010.
(Economic Impact.)

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 27, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100756 [Establishing a Progressive Payroll Expense Tax Rate Structure and Reducing Selected Payroll Expense Tax Rates; Imposing a Gross Receipts Tax on the Rental of Commercial Real Property]

Sponsor: Chiu

Motion ordering submitted to the voters an ordinance revising the payroll expense tax to establish a progressive tax rate structure and reducing selected payroll expense tax rates and imposing a gross receipts tax on the rental of commercial real property, at an election to be held on November 2, 2010.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Motion be CONTINUED to July 27, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100759 [Parking Tax Increase and Tax on Valet Services]

Sponsor: Mirkarimi

Motion ordering submitted to the voters an ordinance authorizing the "Ordinance amending San Francisco Business and Tax Regulations Code, Article 9, Sections 602 and 602.5 (Tax on Occupancy of Parking Space in Parking Station) to increase the tax rate from 15% to 25%, making the total tax rate, including the existing surcharge, 35%; amending Section 601 to clarify the definition of "Operator" and "Occupant" and to add a new definition of "Valet Parking Service Provider;" and adding Section 602B to impose an additional tax of 35% on gross receipts from valet parking services" at an election to be held on November 2, 2010.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Motion be CONTINUED July 27, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

100751 [Implementation of Assembly Bill 1421 - Assisted Outpatient Treatment, "Laura's Law"]

Sponsor: Alioto-Pier

Resolution authorizing the implementation of assisted outpatient treatment in the City and County of San Francisco, requesting the Controller conduct an analysis of mental health funding levels. (Supervisor Avalos dissented in committee.)

Privilege of the floor was granted to Dr. James Dilley (Department of Public Health) who responded to questions raised throughout the discussion.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be AMENDED on Page 1, Lines 17-18, by adding "WHEREAS, The San Francisco Board of Supervisors intends to implement these provisions on a pilot basis, ending no later than 2013; and'; on Page 3, Line 18, by adding 'July 12, 2010,' after 'on'; and on Page 4, Lines 3-6, by adding 'and the Board requests the Department of Public Health to prepare reports measuring the efficacy of this program and to send copies of these reports to the Board of Supervisors when they are filed with the California Department of Mental Health'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Resolution be CONTINUED AS AMENDED to August 3, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100949 [Committee of the Whole - Election Day Voter Registration Charter Amendment]

Hearing of persons interested in or objecting to the amendments to the proposed Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 13.112 and amending Article XVII to establish Election Day Voter Registration for exclusively municipal elections. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the amendments to the proposed Election Day Voter Registration Charter Amendment referenced in File No. 100267. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100267 [Election Day Voter Registration]

Sponsors: Mirkarimi; Mar and Chiu

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 13.112 and amending Article XVII to establish Election Day Voter Registration for exclusively municipal elections.

Supervisors Mar and Chiu requested to be added as co-sponsors.

ORDERED SUBMITTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Alioto-Pier, Elsbernd

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100944 [Committee of the Whole - Earthquake Safety Retrofit Deferred Loan and Grant Program General Obligation Bonds]

Hearing of persons interested in or objecting to the amendments to the proposed Resolution and Ordinance relating to the Earthquake Safety Retrofit Deferred Loan and Grant Program General Obligation Bonds. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the amendments to the Earthquake Safety Retrofit Deferred Loan and Grant Program General Obligation Bonds referenced in File Nos. 100581 and 100580. Mary Lou Zoback; Heidi Sieck; Walter Paulson; Ami Anderson-Alden; Bob Pekelnicky; Gabriel Metcalf; Patrick O'Tellini; Kay Vasilyeva; Barbara Schultheis; Joe Berron; David Bonowitz; Male Speaker; expressed various concerns relating to seismic safety. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

Supervisor Maxwell was noted absent at 3:46 p.m., and noted present at 4:16 p.m.

Supervisor Avalos, seconded by Supervisor Mar, moved to continue File Nos. 100581 and 100580 to later in the meeting. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Chu, Mar, Mirkarimi
Noes: 4 - Alioto-Pier, Daly, Dufty, Elsbernd
Absent: 1 - Maxwell

100581 [General Obligation Bonds - Earthquake Safety Retrofit Deferred Loan and Grant Program General Obligation Bonds 2010 - Estimated Cost $46,150,000]

Sponsor: Mayor

Resolution determining and declaring that the public interest and necessity demand the construction, improvement and seismic retrofitting of multi-story wood framed affordable housing soft-story buildings for earthquake safety funded by the City or other qualified governmental housing finance agency, or owned by private third-parties and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $46,150,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100580 [General Obligation Bond - Earthquake Safety Retrofit Deferred Loan and Grant Program General Obligation Bond - November 2, 2010, Election]

Sponsor: Mayor

Ordinance calling and providing for a consolidated general election to be held in the City and County of San Francisco on Tuesday, November 2, 2010, for the purpose of submitting to the voters of the City and County of San Francisco a proposition to authorize general obligation bonded indebtedness of the City and County in the Amount of Forty Six Million One Hundred and Fifty Thousand Dollars ($46,150,000) to provide deferred loans and/or grants to pay the costs of seismic retrofits to multi-story wood structures that are at significant risk of substantial damage and collapse during an earthquake; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest thereof; prescribing notice to be given of such election; finding that the proposed bond is not a project under the California Environmental Quality Act; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53; consolidating the special election with the general election on the same date; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with Section 53410 of the California Government Code; incorporating the provisions of Article V of Chapter V of the San Francisco Administrative Code; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100945 [Committee of the Whole - Establishment of Rent Board in Charter; Appointment and Removal of Members and Alternate Members Charter Amendment]

Hearing of persons interested in or objecting to the amendments to the proposed Charter Amendment to amend the Charter of the City and County of San Francisco by adding Section 4.136, and amending Section 15.105. Section 4.136 would be added to: establish the Residential Rent Stabilization and Arbitration Board (Rent Board) in the Charter; authorize the Board of Supervisors to appoint three members and three alternate members, authorize the Mayor to appoint three members and three alternate members, and authorize the Board of Supervisors President and the Mayor to jointly appoint one member and one alternate member; and provide that the Rent Board will consist of two tenants, two landlords, and three neutral members, with an alternate for each member. Charter Section 15.105, which enumerates commissions whose members are subject to removal only for official misconduct, would be amended to include Rent Board members and alternate members. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the amendments to the proposed Establishment of Rent Board Charter Amendment referenced in File No. 100636. Ray Hartz; Terrie Frye; Cynthia Cozizen; Kendra Froshman; Josh Vining; Carolyn Blair; Walter Paulson; Jose De La Cruz; Male Speaker; Edmond Juicy; Kim Rohrbach; Brook Charles; Janan New; Nick; Male Speaker; Herbert Weiner; expressed various concerns relating to the rent board. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

Supervisor Campos, seconded by Supervisor Mar, moved to continue File No. 100636 to later in the meeting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Mirkarimi

Noes: 2 - Daly, Elsbernd

100636 [Establishment of Rent Board in Charter; Appointment and Removal of Members and Alternate Members]

Sponsors: Campos; Avalos, Daly, Mar, Maxwell, Mirkarimi and Chiu

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 4.136, and amending Section 15.105. Section 4.136 would be added to: establish the Residential Rent Stabilization and Arbitration Board (Rent Board) in the Charter; authorize the Board of Supervisors to appoint three members and three alternate members, authorize the Mayor to appoint three members and three alternate members, and authorize the Board of Supervisors President and the Mayor to jointly appoint one member and one alternate member; and provide that the Rent Board will consist of two tenants, two landlords, and three neutral members, with an alternate for each member. Charter Section 15.105, which enumerates commissions whose members are subject to removal only for official misconduct, would be amended to include Rent Board members and alternate members.
(Supervisor Alioto-Pier dissented in committee.)

Supervisor Campos, seconded by Supervisor Chiu, TABLED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Bob Grimes in recognition of his accomplishments and continued community support.

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Richard Battaini of the Sheedy Drayage Company in recognition of his accomplishments and continued community support.

COMMITTEE REPORTS

Recommendation of the Public Safety Committee

100884 [Accept and Expend Grant - Local Juvenile Justice Accountability Measures - $119,034]

Sponsor: Campos

Resolution authorizing the San Francisco Public Defender's Office to accept and expend a grant in the amount of $119,034 from the State Corrections Standards Authority for the purposes of implementing local juvenile justice accountability measures through the Juvenile Accountability Block Grant.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

100760 [Community Policing and Foot Beat Patrols]

Sponsors: Mirkarimi; Chiu, Avalos, Campos and Mar

Motion ordering submitted to the voters an ordinance establishing the Community Policing Policy and Foot Beat Patrol Program at an election to be held on November 2, 2010.

Supervisor Mar requested to be added as a co-sponsor.

This item was not sent as a Committee Report.

100953 [Community Policing and Foot Beat Patrols]

Sponsors: Mirkarimi; Chiu and Mar

Motion ordering submitted to the voters an ordinance establishing the Community Policing Policy and Foot Beat Patrol Program at an election to be held on November 2, 2010.

This item was not sent as a Committee Report.

Supervisor Campos, seconded by Supervisor Mar, moved to continue File No. 100636 to later in the meeting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Mirkarimi
Noes: 2 - Daly, Elsbernd

100637 [San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]

Sponsors: Campos; Mirkarimi, Chiu and Mar

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.100, 8A.101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, 8A.113, A8.409-1, A8.409-4, and A8.428, and repealing Section A8.404, to: provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors; allocate a share of property tax revenues to the Transportation Fund; require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors; establish an Office of the MTA Inspector General; and, eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining.

Supervisor Campos, seconded by Supervisor Chiu, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu, seconded by Supervisor Campos, moved to duplicate File No. 100637. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Mirkarimi
Noes: 1 - Daly

See File No. 100982 below.

Supervisor Avalos, seconded by Supervisor Chiu, moved that this Charter Amendment be CONTINUED AS AMENDED to July 27, 2010, as a Committee of the Whole. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100982 [San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]

Sponsors: Campos; Mirkarimi, Chiu and Mar

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.100, 8A.101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, 8A.113, A8.409-1, A8.409-4, and A8.428, and repealing Section A8.404, to: provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors; allocate a share of property tax revenues to the Transportation Fund; require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors; establish an Office of the MTA Inspector General; and, eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining.

Supervisor Chiu, seconded by Supervisor Campos, moved that this Charter Amendment be AMENDED on Page 20, by deleting '4. Beginning with fiscal year 2011-2012, an amount set aside from the annual tax levy equivalent to an annual tax of one cent ($0.01) for each one hundred dollars ($100) assessed valuation. Revenues obtained thereby shall be in addition to, and not in place of, any sums otherwise required to be deposited in the Transportation Fund; provided however that this subsection shall become effective only if the qualified voters of the City and County, at the election held on November 2, 2010, approve a measure or measures that the Controller's Statement(s) in the ballot handbook estimate(s) will, upon full implementation, result in an annual revenue increase to the City of more than $40 million. In the event that no such measures are approved, the City Attorney is authorized to take all steps necessary to remove this subsection 8A.105(b)(4) from the Charter.' The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Supervisor Avalos, seconded by Supervisor Chiu, moved that this Charter Amendment be CONTINUED AS AMENDED to July 27, 2010, as a Committee of the Whole. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Ray Hartz; expressed concerns relating to open government.
Peter Newell; expressed concerns relating to historic property.
Male Speaker; expressed various religious concerns.
Marsha Daily; expressed various concerns relating to the shipyard redevelopment.
Walter Paulson; shared in song certain concerns with the Board.
Jacqueline Phillips; expressed various concerns relating to the shipyard redevelopment.
Richard Hobson; expressed various concerns relating to the shipyard redevelopment.
Grace Martinez; expressed various concerns relating to the shipyard redevelopment.
Peter Warfield; expressed concerns relating to the SF Public Library.
Edmond Juicy; expressed various concerns.

Recess

At the hour of 5:11 p.m., Supervisor Campos, seconded by Supervisor Maxwell, moved that the meeting be recessed for 30 minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

At the hour of 6:11 p.m., Supervisor Mirkarimi indicated the meeting would reconvene at 7:00 p.m. The meeting reconvened at 9:50 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100931 [Local Support for Proposition 1B Local Streets and Road Projects]

Sponsor: Mayor

Resolution authorizing local support for street resurfacing projects to be funded by FY2009-2010 Proposition 1B State Infrastructure Bond funds from the Local Street and Road, Congestion Relief, and Traffic Safety Account of 2006.

ADOPTED

100932 [Apply for State Used Oil Payment Program]

Sponsor: Mayor

Resolution authorizing the Department of the Environment to apply for annual grants from the California Department of Resources Recycling and Recovery for the purpose of increasing Used Motor Oil Recycling and Household Hazardous Waste Management.

ADOPTED

100933 [Homeland Security Grants]

Sponsor: Mayor

Resolution authorizing designated City and County officials to execute and file, on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California under various grant programs, including: the FY2010 Homeland Security Grant Program for the FY2010 Urban Areas Security Initiative (UASI) grant, the FY2010 Regional Catastrophic Preparedness Grant Program (RCPGP), the FY2010 Interoperable Emergency Communications Grant Program (IECGP), Public Law 111-83, FY2010 State Homeland Security Grant Program, FY2010 Metropolitan Medical Response System, FY2010 Citizen Corps Program, FY2010 Emergency Management Performance Grant, and FY2010 Buffer Zone Protection Program.

ADOPTED

100934 [Issuance and Sale of Tax-Exempt Revenue Bonds - Drew School - Not to Exceed $8,000,000]

Sponsor: Alioto-Pier

Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $8,000,000 to finance and/or refinance various capital facilities owned by Drew School.

ADOPTED

100936 [Accept and Expend Grant - Early Childhood Mental Health Consultation Initiative - $20,000]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $20,000 from the San Francisco Foundation, to assist with a project entitled "Early Childhood Mental Health Consultation Initiative" for the period of June 1, 2010, through May 31, 2011.

ADOPTED

100937 [Honoring Duane Kuiper and Mike Krukow in Recognition of their 20th Anniversary as San Francisco Giants Broadcasters]

Sponsors: Dufty; Elsbernd and Alioto-Pier

Resolution Honoring Duane Kuiper and Mike Krukow in recognition of their 20th Anniversary as San Francisco Giants broadcasters and wishing them the best over their next twenty years and beyond.

Supervisor Alioto-Pier requested to be added as a co-sponsor.

ADOPTED

100938 [Support Assembly Bill 32 Regarding the CLEAR Act]

Sponsor: Mirkarimi

Resolution in support of Assembly Bill 32 regarding the CLEAR Act pending in the United States Senate.

ADOPTED

100835 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interest By Eminent Domain - 266-286 - 4th Street]

Motion that the Board of Supervisors hold a public hearing on July 27, 2010, at 3:00 p.m., with the Board of Supervisors, sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of the fee simple interest in real property commonly known as 266-286 - 4th Street, San Francisco, California, Assessor's Parcel No. Block 3733, Lot 093, by eminent domain, for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

Motion No. M10-111

APPROVED

100838 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interest By Eminent Domain - 790 Market Street]

Motion that the Board of Supervisors hold a public hearing on July 27, 2010, at 3:00 p.m., with the Board of Supervisors, sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of a subsurface easement in real property commonly known as 790 Market Street, San Francisco, California, Assessor's Parcel No. Block 0328, Lot 002, by eminent domain, for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

Motion No. M10-112

APPROVED

100841 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interest By Eminent Domain - 801 Market Street]

Motion that the Board of Supervisors hold a public hearing on July 27, 2010, at 3:00 p.m., with the Board of Supervisors, sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of a subsurface easement in real property commonly known as 801 Market Street, San Francisco, California, Assessor's Parcel No. Block 3705, Lot 48A, by eminent domain, for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

Motion No. M10-113

APPROVED

100844 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interest By Eminent Domain - 933-949 Stockton Street]

Motion that the Board of Supervisors hold a public hearing on July 27, 2010, at 3:00 p.m., with the Board of Supervisors, sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of the fee simple interest in real property commonly known as 933-949 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0211, Lot 001, by eminent domain, for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

Motion No. M10-114

APPROVED

100847 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interest By Eminent Domain - 1455 Stockton Street]

Motion that the Board of Supervisors hold a public hearing on July 27, 2010, at 3:00 p.m., with the Board of Supervisors, sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of a subsurface easement in real property commonly known as 1455 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0130, Lot 001, by eminent domain, for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

Motion No. M10-115

APPROVED

100947 [Final Map 5719 - 238 Olive Street; 1030 Franklin Street]

Motion approving Final Map 5719, an Eight Residential Unit Condominium Project, located at 238 Olive Street and 1030 Franklin Street being a subdivision of Lot No. 082 in Assessors Block No. 0719 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-116

APPROVED

100948 [Final Map 5168 – 5600 3rd Street]

Motion approving Final Map 5168, a Five Lot Airspace Project, located at 5600 3rd Street being a subdivision of Lot No. 013 in Assessors Block No. 5421 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-117

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Alioto-Pier requested that File No. 100935 be severed so that it may be considered separately.

100935 [Supporting Eddy Zheng's Application to Remain Lawfully in the United States]

Sponsors: Chiu; Mar, Avalos, Mirkarimi, Campos, Chu and Maxwell

Resolution urging the Honorable Arnold Schwarzenegger, Governor of California, to grant Xiao Fei "Eddy" Zheng a full pardon and allow him to remain in the United States and to continue to serving youth in the San Francisco Bay Area community.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED to July 27, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

100917 [Planning Code - Area Plan Impact Fee and Jobs-Housing Linkage Program Modifications]

Ordinance amending the San Francisco Planning Code sections related to Area Plan Impact Fees (Rincon Hill, Market and Octavia, Eastern Neighborhoods, and Balboa Park) and Jobs-Housing Linkage Fee to improve Planning Code readability and ease of application with regard to impact fees; to create consistent definitions and application across the Area Plan Impact Fee and Jobs-Housing Linkage Fee provisions; to better recognize and account for the impact of existing conditions of development sites affected by the Area Plan Impact Fees and the Jobs-Housing Linkage Fee; to promote adaptive re-use of existing buildings in the Eastern Neighborhoods; to clarify the impact fees associated with the Eastern Neighborhoods' on-going "legitimization" program; and adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

07/08/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/19/2010.

100918 [Mission Bay North-Blocks N3-N3A Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay North Blocks N3-N3A, including acquisition facilities on portions of King Street, Berry Street, Fourth Street, and Fifth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; accepting a pedestrian access and utility easement relating to the project; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,752; and authorizing official acts in connection with this Ordinance. (Public Works Department)

07/09/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

100919 [Authorizing the Sheriff's Department to Amend its Contract with ARAMARK Correctional Services, LLC (Formally Known as ARAMARK Correctional Services, Inc.) for Jail Food Services - Not to Exceed $30,500,000]

Resolution authorizing the Sheriff's Department to enter into a Third Amendment to the Agreement between the City and County and ARAMARK Correctional Services, LLC (ARAMARK), to increase the contract amount from $24,000,000 to an amount not to exceed $30,500,000 and to extend the contract term to June 30, 2012. (Sheriff)

07/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100920 [Finding of Fiscal Feasibility - Cruise Terminal Project at Pier 27]

Resolution finding the proposed cruise terminal project at Pier 27 is fiscally feasible pursuant to Administrative Code Chapter 29. (Port)

07/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 11:40 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, July 27, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

JUL 30 2010

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos	Wednesday 1:30 PM
Budget and Finance Sub-Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Daly	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:15 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of June 22, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100703 [Planning Code Amendments to Update Fees for Cost Recovery]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code, Article 3.5, by amending Sections 350, 351, 352, 353, 354, 355, and 358, to increase fees 2.61%, and an additional 2.04% for all fees except those associated with small projects for cost recovery; add a new fee for Conditional Use Applications for Wireless Telecommunication Services Facilities; increase the Discretionary Review filing fee; and make other adjustments for cost recovery.

FINALLY PASSED

100724 [Update to Environmental Review Fees to Increase Fees for Cost Recovery, Establish a New Fee for Mitigation and Conditions of Approval Monitoring, and Make Other Clarifying Changes]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 31, Articles IV and V, by amending Sections 31.22, 31.23, and 31.24, to increase all fees 2.61% which is the cost of living adjustment, and an additional 2.04% for cost recovery, further increase Categorical Exemption Class 32, Negative Declaration and Environmental Impact Report addendum fees for cost recovery, change the timing of Environmental Impact Report payments, add a new fee for mitigation and condition of approval monitoring, and for the Municipal Transportation Agency and Public Utilities Commission for Categorical Exemption Certificates, clarify phase collection payments and refund policy, and establish a processing fee for phased payments.

FINALLY PASSED

Recommendation of the Budget and Finance Sub-Committee

100882 [Waiver of Street Encroachment Permit Fee for Golden Gate Transportation District]

Sponsor: Elsbernd

Ordinance waiving the street encroachment permit processing fee in Public Works Code Section 2.1.1(j) for signs related to bus service for the Golden Gate Bridge, Highway, and Transportation District.

FINALLY PASSED

Recommendation of the Rules Committee

100856 [Settlement of Lawsuit - Jeffrey Bitton, Sandra Bitton and Micha Bitton - $48,500]

Ordinance authorizing settlement of the lawsuit filed by Jeffrey Bitton, Sandra Bitton, and Micha Bitton against the City and County of San Francisco for $48,500; the lawsuit was filed on December 15, 2008, in the United States District Court, Northern District of California, Case No. C08-5585; entitled Jeffrey Bitton, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

100857 [Settlement of Attorney's Fees/Costs Claim in Lawsuit - A.N.S.W.E.R. Coalition - $90,000]

Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by A.N.S.W.E.R. Coalition - San Francisco in litigation against the City and County of San Francisco for $90,000; the lawsuit was filed on June 16, 2006, in San Francisco Superior Court, Case No. CPF-06-506438; entitled A.N.S.W.E.R. Coalition - San Francisco v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

100701 [Proposed Consolidated Budget and Annual Appropriation Ordinance, FYs Ending June 30, 2011, and June 30, 2012]

Sponsor: Mayor

Proposed Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for the FYs ending June 30, 2011, and June 30, 2012.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100747 [Proposed Annual Salary Ordinance, FY Ending June 30, 2011, for all Departments, and for FY Ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission]

Sponsor: Mayor

Proposed Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2011, for all departments and for FY ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Budget and Finance Committee Without Recommendation

100750 [Increase the Real Property Transfer Tax]

Sponsor: Avalos

Motion ordering submitted to the voters an ordinance authorizing an amendment to the Real Property Transfer Tax at an election to be held on November 2, 2010.
(Economic Impact.)

Motion No. M10-118

APPROVED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

100756 [Establishing a Progressive Payroll Expense Tax Rate Structure and Reducing Selected Payroll Expense Tax Rates; Imposing a Gross Receipts Tax on the Rental of Commercial Real Property]

Sponsor: Chiu

Motion ordering submitted to the voters an ordinance revising the payroll expense tax to establish a progressive tax rate structure and reducing selected payroll expense tax rates and imposing a gross receipts tax on the rental of commercial real property, at an election to be held on November 2, 2010.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100759 [Parking Tax Increase and Tax on Valet Services]

Sponsor: Mirkarimi

Motion ordering submitted to the voters an ordinance authorizing the "Ordinance amending San Francisco Business and Tax Regulations Code, Article 9, Sections 602 and 602.5 (Tax on Occupancy of Parking Space in Parking Station) to increase the tax rate from 15% to 25%, making the total tax rate, including the existing surcharge, 35%; amending Section 601 to clarify the definition of "Operator" and "Occupant" and to add a new definition of "Valet Parking Service Provider;" and adding Section 602B to impose an additional tax of 35% on gross receipts from valet parking services" at an election to be held on November 2, 2010.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Board

Supervisor Daly, seconded by Supervisor Mar, moved to suspend Board Rule 1.5 to allow for additional public comment on File Nos. 100658 and 100659. The motion FAILED by the following vote:
Ayes: 3 - Daly, Mar, Mirkarimi
Noes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Privilege of the floor was granted to Michel Cohen (Mayor's Office of Economic and Workforce Development) who provided an overview on the various Bayview and Hunters Point Shipyard items and responded to questions raised throughout the discussion relating to File Nos. 100989, 100658, 100988, 100659, 100572, 100574, 100575, 100576, 100577, 100578, 100579, 100661, 100660, and 100662.

100989 [Bayview Hunters Point Redevelopment Plan]

Motion adopting findings in response to written objections to adoption of an amendment to the Bayview Hunters Point Redevelopment Plan delivered to the Clerk of the Board of Supervisors before or at the public hearing on adoption of the Redevelopment Plan, pursuant to the requirements of the California Community Redevelopment Law. (Clerk of the Board)

Motion No. M10-120

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Land Use and Economic Development Committee Without Recommendation

Supervisor Alioto-Pier was noted absent at 3:24 p.m., and noted present at 3:42 p.m.

100658 [Bayview Hunters Point Redevelopment Project Area]

Sponsors: Mayor; Maxwell

Ordinance approving and adopting an amendment to the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project Area; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1.

Supervisor Daly, seconded by Supervisor Avalos, moved to AMEND sections relating to affordable housing on the accompanying ICA report. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi,
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Sections 3.4 on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Section 3.6 on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to AMEND Section 3.8 on the accompanying ICA report. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to AMEND by removing reference to the bridge in the accompanying EIR. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND 'Attachment A' on the accompanying report. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to AMEND by adding conditions relating to living wage provisions on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to AMEND by adding conditions relating to punitive damages on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu, seconded by Supervisor Maxwell, moved to AMEND sections relating to Parcel E-2 on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu, seconded by Supervisor Mar, moved to AMEND sections relating to the

Southeast Health Center on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to AMEND sections relating to all parcels on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to AMEND sections relating to heating/cooling systems, including reference to fossil fuel, on the accompanying ICA report. The motion FAILED by the following vote:
Ayes: 4 - Avalos, Daly, Mar, Mirkarimi,
Noes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to RESCIND the previous vote. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to AMEND sections relating to heating/cooling systems, without reference to fossil fuel, on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING, after accepting the amendments to the accompanying reports by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Board

100988 [Hunters Point Shipyard Redevelopment Plan]

Motion adopting findings in response to written objections to adoption of an amendment to the Hunters Point Shipyard Redevelopment Plan delivered to the Clerk of the Board of Supervisors before or at the public hearing on adoption of the Redevelopment Plan, pursuant to the requirements of the California Community Redevelopment Law. (Clerk of the Board)

Motion No. M10-121

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Land Use and Economic Development Committee Without Recommendation

100659 [Hunters Point Shipyard Redevelopment Project Area]
Sponsors: Mayor; Maxwell

Ordinance approving and adopting an amendment to the Redevelopment Plan for the Hunters Point Shipyard Redevelopment Project Area; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1.

Supervisor Daly, seconded by Supervisor Avalos, moved to AMEND sections relating to affordable housing on the accompanying ICA report. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi,
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Sections 3.4 on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Section 3.6 on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to AMEND Section 3.8 on the accompanying ICA report. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to AMEND by removing reference to the bridge in the accompanying EIR. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND 'Attachment A' on the accompanying report. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to AMEND by adding conditions relating to living wage provisions on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to AMEND by adding conditions relating to punitive damages on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu, seconded by Supervisor Maxwell, moved to AMEND sections relating to Parcel E-2 on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu, seconded by Supervisor Mar, moved to AMEND sections relating to the

Southeast Health Center on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to AMEND sections relating to all parcels on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to AMEND sections relating to heating/cooling systems, including reference to fossil fuel, on the accompanying ICA report. The motion FAILED by the following vote:
Ayes: 4 - Avalos, Daly, Mar, Mirkarimi,
Noes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to RESCIND the previous vote. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to AMEND sections relating to heating/cooling systems, without reference to fossil fuel, on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING after accepting the amendments to the accompanying reports by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Board

100772 [Report of Assessment Costs for Sidewalk and Curb Repairs]

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

Robert Quan (Department of Public Works) provided an amendment to the Assessment Report.

ADOPTED, after accepting the amendment to the accompanying report. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100891 [Report of Assessment Costs for Blighted Property Located at 1232 Noriega Street]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted property located at 1232 Noriega Street ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

Supervisor Chu, seconded by Supervisor Avalos, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100606 [California Environmental Quality Act Findings for San Francisco Public Utilities Commission Crystal Springs/San Andreas Transmission Upgrade Project]

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Crystal Springs/San Andreas Transmission Upgrade Project, part of the Water System Improvement Program for the improvements to the regional water supply system, otherwise known as Project No. CUW37101, including the Mitigation Habitat Actions at two sites in San Mateo County; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100814 [Amendment to Treasure Island Development Authority Contract with AMEC Geomatrix, Inc. - Not to Exceed $1,799,000]

Sponsor: Mayor

Resolution approving an amendment to the contract between the Treasure Island Development Authority and AMEC Geomatrix, Inc. to extend the term through June 30, 2011, and to increase the contract by an amount not to exceed $180,000 for a new total amount not to exceed $1,799,000 for environmental consulting services.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100860 [Amendment to Maintenance and Management Agreement Between the San Francisco Port Commission and the San Francisco Redevelopment Agency for Rincon Park]

Resolution authorizing and directing the Port Executive Director to retroactively execute the Third Amendment to the Maintenance and Management Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco for the maintenance and management of Rincon Park by the Port, extending the term of the Agreement from July 1, 2010, to June 30, 2013. (Port)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

100693 [Mission Bay North-Block N1 Public Infrastructure Improvements]

Ordinance accepting of the irrevocable offer of additional property along Townsend Street, King Street, and Fourth Street and the irrevocable offer of public infrastructure improvements associated with Mission Bay North Block N1, including acquisition facilities on Third Street, Townsend Street, King Street, and Fourth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; designating street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,676; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100852 [Mission Bay South - Park P17 Improvements]

Ordinance dedicating a portion of State Trust Parcel 5, known as Park P17, lying along Mission Bay Boulevard North, Mission Bay Boulevard South and Terry A. Francois Boulevard for public use and naming the new park "Commons Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,716 and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100853 [Mission Bay South - Park P18 Improvements]

Ordinance dedicating a portion of State Trust Parcel 5, known as Park P18, lying along Terry A. Francois Boulevard between Mission Bay Boulevard North and China Basin Street for public use and naming the new park "Bayfront Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,715 and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100883 [Agreement Regarding the Exchange of Fire Station No. 1 Located at 676 Howard Street and Portions of Hunt Street for 935 Folsom Street and a Replacement Fire Station]

Sponsor: Mayor

Ordinance authorizing the Director of Property to execute a conditional land disposition and acquisition agreement with the San Francisco Museum of Modern Art and its affiliate (collectively, Museum) for the proposed future conveyance by the City and County of San Francisco (City) to Museum of real property located at 676 Howard Street, San Francisco (Fire Station No. 1) and all of that portion of Hunt Street within Block No. 3722, collectively, in exchange for conveyance by Museum to City of a parcel of real property located at 935 Folsom Street, a new fire station to be constructed by or on behalf of Museum on such parcel, and an easement for parking purposes adjacent to such parcel; exempting from the competitive bidding and contract requirements of Chapter 6 of City's Administrative Code all contracts to be entered into by Museum for the design and construction of the new fire station and the improvement of such parcel and parking easement; and making findings, including findings of consistency with the General Plan and Planning Code Section 101.1(b).

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100639 [Permits for Commercial Parking Garages and Lots]

Sponsor: Alioto-Pier

Ordinance amending sections of the San Francisco Police Code, Business and Tax Regulations Code and Fire Code to: (1) transfer responsibility for parking garage and parking lot permits from the Fire Department to the Police Department; (2) require a commercial parking permit to operate a garage or lot where members of the public can park for a charge; set fees; establish permit issuance, suspension and revocation procedures; establish requirements for permit holders and individuals working at parking garages and lots; and (3) limit the term of a commercial parking permit to one year and require annual application for a commercial parking permit.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100467 [Zoning Map Amendment for One Capitol Avenue]

Sponsor: Avalos

Ordinance amending Section Maps ZN12 of the Zoning Maps of the City and County of San Francisco for the real property at One Capitol Avenue (Assessor's Block No. 7148/Lot No. 040), to reclassify the property from a P (Public) Zoning District to an RH-1 (Residential, House, One-Family) Zoning District; and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Department)

Supervisor Avalos requested to be added as sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100804 **[Interim Zoning - Requiring Conditional Use Authorization for Change in Use or Reduction of Child Care Facilities]**

Sponsors: Alioto-Pier; Dufty, Daly, Chiu, Maxwell and Mar

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for a change in use or reduction in size of any child care facility that serves more than 13 children, for an 18 month period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

From the Land Use and Economic Development Committee Without Recommendation

100572 [CEQA Findings, Candlestick Point - Hunters Point Shipyard Phase II Project]
Sponsors: Mayor; Maxwell

Resolution adopting findings under the California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations in connection with the development of the Hunters Point Shipyard and Candlestick Point, as envisioned in the Hunters Point Shipyard Redevelopment Plan, the Bayview Hunters Point Redevelopment Plan, and the Conceptual Framework for integrated development of the Hunters Point Shipyard and Candlestick Point endorsed by the Board of Supervisors and the Mayor in May 2007 and approved by the voters in 2008 through passage of Proposition G, the Jobs, Parks and Housing Initiative.

Supervisor Daly, seconded by Supervisor Avalos, moved to AMEND sections relating to affordable housing on the accompanying ICA report. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi,
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Sections 3.4 on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Section 3.6 on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to AMEND Section 3.8 on the accompanying ICA report. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to AMEND by removing reference to the bridge in the accompanying EIR. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND 'Attachment A' on the accompanying report. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to AMEND by adding conditions relating to living wage provisions on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to AMEND by adding conditions relating to punitive damages on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu, seconded by Supervisor Maxwell, moved to AMEND sections relating to Parcel E-2 on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu, seconded by Supervisor Mar, moved to AMEND sections relating to the

Southeast Health Center on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to AMEND sections relating to all parcels on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to AMEND sections relating to heating/cooling systems, including reference to fossil fuel, on the accompanying ICA report. The motion FAILED by the following vote:
Ayes: 4 - Avalos, Daly, Mar, Mirkarimi,
Noes: 7 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to RESCIND the previous vote. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to AMEND sections relating to heating/cooling systems, without reference to fossil fuel, on the accompanying ICA report. The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED after accepting the amendments to the accompanying reports by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

100574 [General Plan Amendments - Candlestick Point Activity Node and Hunters Point Shipyard Phase 2 Project]

Sponsors: Mayor; Maxwell

Ordinance amending the San Francisco General Plan by amending the Bayview Hunters Point Area Plan, the Transportation Element, the Recreation and Open Space Element, the Commerce and Industry Element, maps and figures in various Elements, and the Land Use Index, and by adopting and adding the Candlestick Point Subarea Plan and the Hunters Point Area Plan, in order to facilitate the development of the Hunters Point Shipyard and Candlestick Point, as envisioned in the Hunters Point Shipyard Redevelopment Plan, the Bayview Hunters Point Redevelopment Plan, and the Conceptual Framework for integrated development of the Hunters Point Shipyard and Candlestick Point endorsed by the Board of Supervisors and the Mayor in May 2007 and approved by the voters in 2008 through passage of Proposition G, the Jobs, Parks and Housing Initiative; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100575 [Hunters Point Shipyard - Health Code Amendment]

Sponsors: Mayor; Maxwell

Ordinance amending Article 31 of the Health Code to extend, to the entire Hunters Point Shipyard area, the special permit processing requirements that now apply to Hunters Point Shipyard Parcel A to address potential residual contamination, and imposing fees to administer this Article; amending Sections 804 and 1227 of the Health Code to make conforming amendments; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100576 [Hunters Point Shipyard - Public Works Code Amendment]

Sponsors: Mayor; Maxwell

Ordinance amending the Public Works Code to amend Section 2.3.1 to extend, to the entire Hunters Point Shipyard area, the special permit processing requirements that now apply at Hunters Point Shipyard Parcel A to address potential residual contamination and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100577 [Hunters Point Shipyard - Building Code Amendment]

Sponsors: Mayor; Maxwell

Ordinance amending the Building Code to amend Section 106A.3.2.5 to extend, to the entire Hunters Point Shipyard area, the special permit processing requirements that now apply at Hunters Point Shipyard Parcel A to address potential residual contamination and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100578 [Zoning Map Amendments - Candlestick Point Activity Node and Hunters Point Shipyard Phase 2 Project]

Sponsors: Mayor; Maxwell

Ordinance amending the San Francisco Planning Code by amending Sectional Maps SU09 and SU010 of the Zoning Map of the City and County of San Francisco to establish the Candlestick Point Activity Node Special Use District and the Hunters Point Shipyard Phase 2 Special Use District; amending Sectional Maps HT09 and HT010 to establish the CP Height and Bulk District and the HP Height and Bulk District; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; providing for an operative date.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100579 [Zoning - Establishment of the Candlestick Point Activity Node Special Use District, the Hunters Point Shipyard Phase 2 Special Use District, and Special Height and Bulk Provisions for the Special Use Districts]

Sponsors: Mayor; Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.50 to establish the Candlestick Point Activity Node Special Use District; adding Section 249.51 to establish the Hunters Point Shipyard Phase 2 Special Use District; adding Section 263.24 to establish Special Height Provisions for the Candlestick Point Activity Node Special Use District and the CP Height and Bulk District; adding Section 263.25 to establish Special Height Provisions for the Hunters Point Shipyard Phase 2 Special Use District and the HP Height and Bulk District; and amending Table 270, to provide that the Table is not applicable to the Candlestick Point Activity Node Special Use District and the Hunters Point Shipyard Phase 2 Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; providing for an operative date.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100661 [Subdivision Code - Candlestick Point and Hunters Point Shipyard]

Sponsors: Mayor; Maxwell

Ordinance amending the Hunters Point Shipyard Subdivision Code to rename the Code's Division 3 title and make various amendments pertaining to the subdivision process in Phase 2 of the Hunters Point Shipyard Redevelopment Plan and Zone 1 of the Bayview Hunters Point Redevelopment Project Area, including the establishment of a procedure for reviewing and filing vesting tentative transfer maps; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100660 [Candlestick Point and Shipyard Phase 2 Redevelopment Project - Real Property Transfer and Public Trust Exchange]

Sponsors: Mayor; Maxwell

Resolution approving and authorizing the execution, delivery and performance of: (1) a Real Property Transfer Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco for Certain City Property at Candlestick Point, and (2) a Title Settlement, Public Trust Exchange and Boundary Line Agreement between the City and County of San Francisco (acting by and through the Board of Supervisors and through the Port Commission), the Redevelopment Agency of the City and County of San Francisco, the California State Lands Commission and the California Department of Parks and Recreation, both agreements being in furtherance of the Candlestick Point and Phase 2 of the Hunters Point Shipyard Redevelopment Project.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100662 [Tax Increment Allocation Pledge Agreement for the Candlestick Point and Phase 2 of the Hunters Point Shipyard Project]

Sponsors: Mayor; Maxwell

Resolution approving a Tax Increment Allocation Pledge Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco for the pledge of net available tax increment to finance public improvements and affordable housing in furtherance of the Candlestick Point and Phase 2 of the Hunters Point Shipyard Redevelopment Project; adopting findings under the California Environmental Quality Act; and adopting findings that the agreement is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendations of the Public Safety Committee

100054 [Workforce Development - Public Service Academies]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Sections 30.30 through 30.35, to establish public safety and public health training programs for San Francisco Unified School District high school students.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED on Page 3, Line 18, by deleting 'and'; on Line 19, by adding 'and the Department of Workforce Development' after 'College District,'; on Line 19, by replacing 'Department of Workforce Development' with 'Department of Children, Youth, and Their Families'; on Line 24, by deleting 'and'; on Page 3, Line 25, through Page 4, Line 2, by adding ', the San Francisco Unified School District, and the Department of Workforce Development'; on Line 2-3, by replacing 'Workforce Development' with 'the Department of Children, Youth, and Their Families'; Lines 13-14, by replacing 'Workforce Development' with 'the Department of Children, Youth, and Their Families'; on Line 15, by replacing 'June 30, 2010' with 'January 1, 2011'; and Lines 19-20, by replacing 'Workforce Development' with 'the Department of Children, Youth, and Their Families'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100674 [Expanding the Entertainment Commission's Power to Revoke Permits]

Sponsor: Chiu

Ordinance amending Sections 1060.20.4 and 1070.20 of the San Francisco Police Code to expand the grounds for revocation of place of entertainment permits, extended-hours premises permits, and one time event permits to include: (1) public safety considerations, where operation of the permit poses a substantial risk of physical harm or injury to individuals, and (2) where the permittee's persistent action or inaction causes serious and continuing problems that amount to a public nuisance.

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED on Page 2, Line 19, by changing '3840' to '3480'; and on Page 4, Line 16, by changing '3840' to '3480.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100854 [Approval of the San Francisco Child and Family Services Review - System Improvement Plan for the San Francisco Human Services Agency and Juvenile Probation Departments]

Resolution approving San Francisco's Child and Family Services Review - System Improvement Plan, a strategic plan that: (1) outlines how San Francisco will improve prioritized outcomes for children, youth, and families; (2) serves as the operational agreement between the county and state; and (3) includes plans for utilizing Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families revenues to prevent child maltreatment. (Human Services Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100869 [Accept and Expend Grant - Airport K-9 Explosives Detection Team Program - $700,500]

Sponsor: Elsbernd

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of $700,500 from the Transportation Security Administration for the Airport K-9 Explosives Detection Team Program.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

100897 [Appointment, Police Commission - Carol Kingsley]

Motion confirming the Mayor's nomination of, and appointing, Carol Kingsley to the San Francisco Police Commission for the unexpired portion of a four-year term ending April 30, 2014. (Clerk of the Board)

(Section 4.109 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - July 1, 2010)

Motion No. M10-119

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100760 [Community Policing and Foot Beat Patrols]

Sponsors: Mirkarimi; Chiu, Avalos, Campos and Mar

Motion ordering submitted to the voters an ordinance establishing the Community Policing Policy and Foot Beat Patrol Program at an election to be held on November 2, 2010.

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisors Mirkarimi and Campos, moved to terminate debate on File Nos. 100760 and 100953. The motion FAILED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

President Chiu discussed parlimentary procedures and ruled that the division of the question did not constitute an amendment and was therefore not subject to the San Francisco Municipal Elections Code Section 305(a)3 and did not require further public comment and directed the Clerk of the Board to call the roll on the divided question.

Supervisor Elsbernd moved that the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12 be DIVIDED. The question FAILED as divided by the following vote:

Ayes: 1 - Elsbernd
Noes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100953 [Community Policing and Foot Beat Patrols]

Sponsors: Mirkarimi; Chiu and Mar

Motion ordering submitted to the voters an ordinance at an election to be held on November 2, 2010, establishing the Community Policing Policy and Foot Beat Patrol Program and supplanting any City ordinance the voters approve at the November 2, 2010, election that bans lying or sitting on public sidewalks.

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisors Mirkarimi and Campos, moved to terminate debate on File Nos. 100760 and 100953. The motion FAILED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to

requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15

through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

President Chiu discussed parlimentary procedures and ruled that the division of the question did not constitute an amendment and was therefore not subject to the San Francisco Municipal Elections Code Section 305(a)3 and did not require further public comment and directed the Clerk of the Board to call the roll on the divided question.

Supervisor Elsbernd moved that the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15 be DIVIDED. The question PASSED as divided by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

APPROVED AS DIVIDED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100842 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interest By Eminent Domain for Central Subway/Third Street Light Rail Extension - 801 Market Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 801 Market Street, San Francisco, California, Assessor's Parcel No. Block 3705, Lot 48A, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100843. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Dan Engler (Property Owner) expressed concerns relating to the proposed acquisition. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100843 [Authorizing the Acquisition of Subsurface Real Property Easement By Eminent Domain for Central Subway/Third Street Light Rail Extension - 801 Market Street]

Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 801 Market Street, San Francisco, California, Assessor's Parcel No. Block 3705, Lot 48A, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 11, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 12, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 14, by changing 'is' to 'are'; on Line 15, by changing 'is' to 'are'; on Line 23, by adding 'EIS/' before 'EIR'; on Page 3, Line 8, by changing 'April 9, 2010' to 'May 4, 2009'; on Line 11, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 14, by adding 'EIS/' before 'EIR'; on Line 15, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 18, by adding 'EIS/' before 'EIR'; on Page 4, Line 14, by deleting 'notice'; on Page 5, Line 14, by adding 'take all necessary steps to' before 'commence'; on Line 14, by adding 'and prosecute' after 'commence'; on Line 15, by adding 'the owner or owners of' before 'any and all'; on Lines 16-17, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 17, by adding 'and all' after 'to take any'; on Line 18, by adding 'and all' before 'legal'; on Lines 18-19, by adding 'or permanent' after 'immediate'; on Line 22, by adding 'EIS/' before 'EIR'; on Line 23, by adding 'EIS/' before 'EIR'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 6, Line 2, by adding 'EIS/' before 'EIR'; on Line 4, by adding 'EIS/' before 'EIR'; on Line 7, by adding 'EIS/' before 'EIR'; Line 14, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 23, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100836 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property By Eminent Domain for Central Subway/Third Street Light Rail Extension - 266-286 - 4th Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 266-286 - 4th Street, San Francisco, California, Assessor's Parcel No. Block 3733, Lot 093, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100837. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100837 [Authorizing the Acquisition of Fee Simple Interest By Eminent Domain for Central Subway/Third Street Light Rail Extension - 266-286 - 4th Street]

Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 266-286 - 4th Street, San Francisco, California, Assessor's Parcel No. Block 3733, Lot 093, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 11, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 12, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 14, by changing 'is' to 'are'; on Line 15, by changing 'is' to 'are'; on Line 23, by adding 'EIS/' before 'EIR'; on Page 3, Line 7, by changing 'April 9, 2010' to 'May 4, 2009'; on Lines 9-10, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 13, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'EIS/' before 'EIR'; on Line 16, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Page 4, Line 10, by deleting 'notice'; on Page 5, Line 9, by adding 'take all necessary steps to' before 'commence'; on Line 9, by adding 'and prosecute' after 'commence'; on Line 10, by adding 'the owner or owners of' before 'any and all'; on Lines 11-12, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 12, by adding 'and all' after 'to take any'; on Line 13, by adding 'and all' before 'legal'; on Lines 13-14, by adding 'or permanent' after 'immediate'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 18, by adding 'EIS/' before 'EIR'; on Line 19, by adding 'EIS/' before 'EIR'; on Line 22, by adding 'EIS/' before 'EIR'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 6, Line 2, by adding 'EIS/' before 'EIR'; on Line 9, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 18, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100848 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property By Eminent Domain for Central Subway/Third Street Light Rail Extension - 1455 Stockton Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 1455 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0130, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100849. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100849 [Authorizing the Acquisition of Subsurface Real Property Easement By Eminent Domain for Central Subway/Third Street Light Rail Extension - 1455 Stockton Street]

Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 1455 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0130, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 12, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 13, by adding 'EIS/' before 'EIR'; on Line 15, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 15, by changing 'is' to 'are'; on Line 16, by changing 'is' to 'are'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 3, Line 10, by changing 'April 9, 2010' to 'May 4, 2009'; on Lines 12-13, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 16, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 19, by adding 'EIS/' before 'EIR'; on Line 20, by adding 'EIS/' before 'EIR'; on Page 4, Line 16, by deleting 'notice'; on Page 5, Line 16, by adding 'take all necessary steps to' before 'commence'; on Line 16, by adding 'and prosecute' after 'commence'; on Line 17, by adding 'the owner or owners of' before 'any and all'; on Lines 18-19, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 19, by adding 'and all' after 'to take any'; on Line 20, by adding 'and all' before 'legal'; on Lines 20-21, by adding 'or permanent' after 'immediate'; on Line 24, by adding 'EIS/' before 'EIR'; on Line 25, by adding 'EIS/' before 'EIR'; on Page 6, Line 1, by adding 'EIS/' before 'EIR'; on Line 4, by adding 'EIS/' before 'EIR'; on Line 6, by adding 'EIS/' before 'EIR'; on Line 9, by adding 'EIS/' before 'EIR'; on Line 16, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 25, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100839 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property By Eminent Domain for Central Subway/Third Street Light Rail Extension - 790 Market Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 790 Market Street, San Francisco, California, Assessor's Parcel No. Block 0328, Lot 002, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100840. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100840 [Authorizing the Acquisition of Subsurface Real Property Easement By Eminent Domain for Central Subway/Third Street Light Rail Extension - 790 Market Street]

Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 790 Market Street, San Francisco, California, Assessor's Parcel No. Block 0328, Lot 002, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 11, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 12, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 14, by changing 'is' to 'are'; on Line 15, by changing 'is' to 'are'; on Line 23, by adding 'EIS/' before 'EIR'; on Page 3, Line 8, by changing 'April 9, 2010' to 'May 4, 2009'; on Line 11, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 14, by adding 'EIS/' before 'EIR'; on Line 15, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 18, by adding 'EIS/' before 'EIR'; on Page 4, Line 14, by deleting 'notice'; on Page 5, Line 14, by adding 'take all necessary steps to' before 'commence'; on Line 14, by adding 'and prosecute' after 'commence'; on Line 15, by adding 'the owner or owners of' before 'any and all'; on Lines 16-17, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 17, by adding 'and all' after 'to take any'; on Line 18, by adding 'and all' before 'legal'; on Lines 18-19, by adding 'or permanent' after 'immediate'; on Line 22, by adding 'EIS/' before 'EIR'; on Line 23, by adding 'EIS/' before 'EIR'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 6, Line 2, by adding 'EIS/' before 'EIR'; on Line 4, by adding 'EIS/' before 'EIR'; on Line 7, by adding 'EIS/' before 'EIR'; Line 14, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 23, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100845 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property By Eminent Domain for Central Subway/Third Street Light Rail Extension - 933-949 Stockton Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 933-949 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0211, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100846. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100846 [Authorizing the Acquisition of Fee Simple Interest By Eminent Domain for Central Subway/Third Street Light Rail Extension - 933-949 Stockton Street]

Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 933-949 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0211, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 11, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 12, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 14, by changing 'is' to 'are'; on Line 15, by changing 'is' to 'are'; on Line 23, by adding 'EIS/' before 'EIR'; on Page 3, Line 7, by changing 'April 9, 2010' to 'May 4, 2009'; on Lines 9-10, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 13, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'EIS/' before 'EIR'; on Line 16, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Page 4, Line 10, by deleting 'notice'; on Page 5, Line 9, by adding 'take all necessary steps to' before 'commence'; on Line 9, by adding 'and prosecute' after 'commence'; on Line 10, by adding 'the owner or owners of' before 'any and all'; on Lines 11-12, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 12, by adding 'and all' after 'to take any'; on Line 13, by adding 'and all' before 'legal'; on Lines 13-14, by adding 'or permanent' after 'immediate'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 18, by adding 'EIS/' before 'EIR'; on Line 19, by adding 'EIS/' before 'EIR'; on Line 22, by adding 'EIS/' before 'EIR'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 6, Line 2, by adding 'EIS/' before 'EIR'; on Line 9, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 18, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100987 [Committee of the Whole - San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]

Hearing of persons interested in or objecting to the amendments to the proposed Charter Amendments (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.100, 8A.101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, 8A.113, A8.409-1, A8.409-4, and A8.428, and repealing Section A8.404, to: provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors; allocate a share of property tax revenues to the Transportation Fund; require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors; establish an Office of the MTA Inspector General; and, eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the amendments to the amendments to the proposed San Francisco Municipal Transportation Agency Appointments Policy and Other Procedures Charter Amendment as referenced in File Nos. 100637 and 100982. Peter Stauss expressed support relating to the amendments to the proposed charter amendment in File No. 100982. Walter Paulson shared in song certain concerns relating to the amendments to the proposed charter amendments. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100637 [San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]

Sponsors: Campos; Mirkarimi and Mar

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.100, 8A.101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, 8A.113, A8.409-1, A8.409-4, and A8.428, and repealing Section A8.404, to: provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors; allocate a share of property tax revenues to the Transportation Fund; require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors; establish an Office of the MTA Inspector General; and, eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining.

Supervisor Chiu requested to be removed as a co-sponsor.

ORDERED SUBMITTED. The motion FAILED by the following vote:

Ayes: 1 - Daly
Noes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100982 [San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]

Sponsors: Campos; Mirkarimi and Mar

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.100, 8A.101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, 8A.113, A8.409-1, A8.409-4, and A8.428, and repealing Section A8.404, to: provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors; allocate a share of property tax revenues to the Transportation Fund; require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors; establish an Office of the MTA Inspector General; and, eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining.

Supervisor Chiu requested to be removed as a co-sponsor.

ORDERED SUBMITTED. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty introduced, welcomed, and presented Certificates of Honor to Duane Kuiper and Mike Krukow in recognition of their 20 years of dedicated service as Broadcasters for the San Francisco Giants and for their continued community support.

Supervisor Alioto-Pier introduced, welcomed, and presented Douglas Pingle who accepted Certificates of Honor on behalf of the Independent Living Resource Center and Disabled Sports USA - Far West in recognition of their accomplishments and continued community support.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various religious concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100902 [Committee of the Whole - Public Hearing on Special Assessment of Liens for Assessment of Cost]

Motion directing the Board of Supervisors to hold a public hearing on August 3, 2010, with the Board sitting as a Committee of the Whole, to consider adopting a Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, Section 108A, and Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection, for services rendered by said Department of costs thereof having accrued pursuant to code violations referenced above. (Clerk of the Board)

Motion No. M10-123

APPROVED

100975 [Accept and Expend Grant - Polling Place Accessibility Training Program - Not to Exceed $5,000]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Department of Elections to accept and expend a grant in an amount not to exceed $5,000 for improving polling place accessibility in accordance with the California Secretary of State's Help America Vote Act Polling Place Accessibility Training Program.

ADOPTED

100978 [Commending Patricia M. Pendergast]

Sponsor: Chu

Resolution commending Patricia M. Pendergast, Principal Personnel Analyst and Manager of Examination and Recruitment for the San Francisco Public Utilities Commission, upon her retirement after forty-one years of dedicated service.

ADOPTED

100981 [Honoring Kelly Clark and the We Ride 3000 Team]

Sponsor: Dufty

Resolution honoring Kelly Clark and the We Ride 3000 Team in recognition of their 3,200 mile bike ride across the United States, from San Francisco to Washington D.C., in advocacy for public education awareness.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Alioto-Pier requested that File No. 100935 be severed so that it may be considered separately.

100935 [Supporting Eddy Zheng's Application to Remain Lawfully in the United States]
Sponsors: Chiu; Mar, Avalos, Mirkarimi, Campos, Chu and Maxwell
Resolution urging the Honorable Arnold Schwarzenegger, Governor of California, to grant Xiao Fei "Eddy" Zheng a full pardon and allow him to remain in the United States and to continue to serving youth in the San Francisco Bay Area community.

Privilege of the floor was granted to Stephen Zimmerman (Police Department) who responded to questions raised throughout the discussion regarding File No. 100935.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos requested that File No. 100977 be severed so that it may be considered separately.

100977 [Requesting the Planning Commission or Planning Department to Extend the Public Comment Period on the California Pacific Medical Center's Draft Environmental Impact Report to a Minimum of 90 Days and Conduct Two Public Hearings on the Environmental Impact]
Sponsor: Campos
Resolution requesting that the Planning Commission or Planning Department extend the public comment period on the California Pacific Medical Center's Draft Environmental Impact Report to a minimum of 90 days and conduct two public hearings on the Environmental Impact Report because of the project's exceptional size and complexity and so the public can conduct a thorough review and offer thoughtful input.

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu requested that File No. 100961 be severed so that it may be considered separately.

100961 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the November 2, 2010, Election]
Motion authorizing preparation of written proponent and opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 2, 2010, Election. (Clerk of the Board)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Motion be CONTINUED to August 3, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd requested that File No. 100986 be severed so that it may be considered separately.

100986 [Directing the Budget and Legislative Analyst to Audit the San Francisco Office of the Public Defender]

Sponsor: Daly

Motion directing the Budget and Legislative Analyst to audit the San Francisco Office of the Public Defender.

Privilege of the floor was granted to Harvey Rose (Budget Analyst) who responded to questions raised throughout the discussion regarding File No. 100986.

APPROVED. The motion FAILED by the following vote:

Ayes: 2 - Avalos, Daly
Noes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

100954 [Settlement of Lawsuit - Ricardo Rodriguez - $30,000]

Ordinance authorizing settlement of the lawsuit filed by Ricardo Rodriguez against the City and County of San Francisco for $30,000; the lawsuit was filed on February 19, 2009, in Superior, Case No. CGC09-485133; entitled Ricardo Rodriguez v. City and County of San Francisco, et al. (City Attorney)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100955 [Settlement of Lawsuit - Stanislaus Imports - $245,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Stanislaus Imports against the City and County of San Francisco for $245,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100956 [Settlement of Lawsuit - Monte & Joanne Stott and Stott & Associates, Inc. - $32,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Monte & Joanne Stott and Stott & Associates, Inc. against the City and County of San Francisco for $32,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100957 [Settlement of Lawsuit - Yannick Constant - $32,500]

Ordinance authorizing settlement of the lawsuit filed by Yannick Constant against the City and County of San Francisco for $32,500; the lawsuit was filed on April 21, 2008 in San Francisco Superior Court, Case No. 474485; entitled Yanick Constant v. City and County of San Francisco, et al. (City Attorney)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100958 [Settlement of Lawsuit - Icenogle IMR Joint Venture - $1,330,000]

Ordinance authorizing settlement of the lawsuit filed by Icenogle IMR Joint Venture against the City and County of San Francisco for $1,330,000; the lawsuit was filed on September 24, 2007, in San Francisco County Superior Court, and subsequently transferred to Alameda County Superior Court, Case No. RG08391219; entitled Icenogle IMR Joint Venture v. City and County of San Francisco, et al.; other material terms of said settlement are: (1) mutual releases except for latent defects, (2) dismissal of all complaints and cross-complaints with prejudice, (3) each side to bear its own attorneys fees and costs, and (4) plaintiff to be responsible for resolving outstanding stop notices. (City Attorney)

07/19/10; RECEIVED AND ASSIGNED to Rules Committee.

100959 [Settlement of Lawsuit - Carlos Garcia - $2,400,000]

Ordinance authorizing settlement of the lawsuit filed by Carlos Garcia against the City and County of San Francisco for $2,400,000; the lawsuit was filed on December 5, 2005, in San Francisco Superior Court, Case No. CGC-05-447342; entitled Carlos Garcia, et al. v. City and County of San Francisco, et al. (City Attorney)

07/19/10; RECEIVED AND ASSIGNED to Rules Committee.

100960 [Settelment of Lawsuit - CCSF v. Underground Construction Co., et al. - $29,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Underground Construction Co., et al. by accepting the payment of $29,000 to the City and County of San Francisco; $23,200 from Underground Construction Co. and $5,800 from State Farm; the lawsuit was filed on February 24, 2009, in San Francisco Superior Court, Case No. CGC-09-485059; entitled City and County of San Francisco, et al., v. Underground Construction Co., et al. (City Attorney)

07/19/10; RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 9:50 p.m.

* REVISED

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

7
27/10
aft
evised

Tuesday, July 27, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

AUG - 2 2010

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos	Wednesday 11:00 AM
Budget and Finance Sub-Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Daly	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:15 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of June 22, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100703 [Planning Code Amendments to Update Fees for Cost Recovery]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code, Article 3.5, by amending Sections 350, 351, 352, 353, 354, 355, and 358, to increase fees 2.61%, and an additional 2.04% for all fees except those associated with small projects for cost recovery; add a new fee for Conditional Use Applications for Wireless Telecommunication Services Facilities; increase the Discretionary Review filing fee; and make other adjustments for cost recovery.

FINALLY PASSED

100724 [Update to Environmental Review Fees to Increase Fees for Cost Recovery, Establish a New Fee for Mitigation and Conditions of Approval Monitoring, and Make Other Clarifying Changes]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code, Chapter 31, Articles IV and V, by amending Sections 31.22, 31.23, and 31.24, to increase all fees 2.61% which is the cost of living adjustment, and an additional 2.04% for cost recovery, further increase Categorical Exemption Class 32, Negative Declaration and Environmental Impact Report addendum fees for cost recovery, change the timing of Environmental Impact Report payments, add a new fee for mitigation and condition of approval monitoring, and for the Municipal Transportation Agency and Public Utilities Commission for Categorical Exemption Certificates, clarify phase collection payments and refund policy, and establish a processing fee for phased payments.

FINALLY PASSED

Recommendation of the Budget and Finance Sub-Committee

100882 [Waiver of Street Encroachment Permit Fee for Golden Gate Transportation District]

Sponsor: Elsbernd

Ordinance waiving the street encroachment permit processing fee in Public Works Code Section 2.1.1(j) for signs related to bus service for the Golden Gate Bridge, Highway, and Transportation District.

FINALLY PASSED

Recommendation of the Rules Committee

100856 [Settlement of Lawsuit - Jeffrey Bitton, Sandra Bitton and Micha Bitton - $48,500]

Ordinance authorizing settlement of the lawsuit filed by Jeffrey Bitton, Sandra Bitton, and Micha Bitton against the City and County of San Francisco for $48,500; the lawsuit was filed on December 15, 2008, in the United States District Court, Northern District of California, Case No. C08-5585; entitled Jeffrey Bitton, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

100857 [Settlement of Attorney's Fees/Costs Claim in Lawsuit - A.N.S.W.E.R. Coalition - $90,000]

Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by A.N.S.W.E.R. Coalition - San Francisco in litigation against the City and County of San Francisco for $90,000; the lawsuit was filed on June 16, 2006, in San Francisco Superior Court, Case No. CPF-06-506438; entitled A.N.S.W.E.R. Coalition - San Francisco v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

100701 [Proposed Consolidated Budget and Annual Appropriation Ordinance, FYs Ending June 30, 2011, and June 30, 2012]

Sponsor: Mayor

Proposed Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for the FYs ending June 30, 2011, and June 30, 2012.

Ordinance No. 190-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100747 [Proposed Annual Salary Ordinance, FY Ending June 30, 2011, for all Departments, and for FY Ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission]

Sponsor: Mayor

Proposed Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2011, for all departments and for FY ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

Ordinance No. 191-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Budget and Finance Committee Without Recommendation

100750 [Increase the Real Property Transfer Tax]

Sponsor: Avalos

Motion ordering submitted to the voters an ordinance authorizing an amendment to the Real Property Transfer Tax at an election to be held on November 2, 2010.
(Economic Impact.)

Motion No. M10-118

APPROVED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

100756 [Establishing a Progressive Payroll Expense Tax Rate Structure and Reducing Selected Payroll Expense Tax Rates; Imposing a Gross Receipts Tax on the Rental of Commercial Real Property]

Sponsor: Chiu

Motion ordering submitted to the voters an ordinance revising the payroll expense tax to establish a progressive tax rate structure and reducing selected payroll expense tax rates and imposing a gross receipts tax on the rental of commercial real property, at an election to be held on November 2, 2010.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100759 [Parking Tax Increase and Tax on Valet Services]

Sponsor: Mirkarimi

Motion ordering submitted to the voters an ordinance authorizing the "Ordinance amending San Francisco Business and Tax Regulations Code, Article 9, Sections 602 and 602.5 (Tax on Occupancy of Parking Space in Parking Station) to increase the tax rate from 15% to 25%, making the total tax rate, including the existing surcharge, 35%; amending Section 601 to clarify the definition of "Operator" and "Occupant" and to add a new definition of "Valet Parking Service Provider;" and adding Section 602B to impose an additional tax of 35% on gross receipts from valet parking services" at an election to be held on November 2, 2010.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Board

Supervisor Daly, seconded by Supervisor Mar, moved to suspend Board Rule 1.5 to allow for additional public comment on File Nos. 100658 and 100659. The motion FAILED by the following vote:
Ayes: 3 - Daly, Mar, Mirkarimi
Noes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Privilege of the floor was granted to Michel Cohen (Mayor's Office of Economic and Workforce Development) who provided an overview on the various Bayview and Hunters Point Shipyard items and responded to questions raised throughout the discussion relating to File Nos. 100989, 100658, 100988, 100659, 100572, 100574, 100575, 100576, 100577, 100578, 100579, 100661, 100660, and 100662.

100989 [Bayview Hunters Point Redevelopment Plan]

Motion adopting findings in response to written objections to adoption of an amendment to the Bayview Hunters Point Redevelopment Plan delivered to the Clerk of the Board of Supervisors before or at the public hearing on adoption of the Redevelopment Plan, pursuant to the requirements of the California Community Redevelopment Law. (Clerk of the Board)

Motion No. M10-120

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Land Use and Economic Development Committee Without Recommendation

Supervisor Alioto-Pier was noted absent at 3:24 p.m., and noted present at 3:42 p.m.

* 100658 [Bayview Hunters Point Redevelopment Project Area]

Sponsors: Mayor; Maxwell

Ordinance approving and adopting an amendment to the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project Area; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1.

Supervisor Daly, seconded by Supervisor Avalos, moved to AMEND sections to the accompanying Interagency Cooperation Agreement (ICA) relating to affordable housing. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi,
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Section 3.4(e)(ii) on the accompanying ICA that would provide for Board review of the conceptual design of the non-stadium bridge (41 feet).' The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Section 3.4(e)(ii) on the accompanying ICA by adding 'The non-stadium (i.e., 41 foot-wide) bridge may be used for bicycles, pedestrian, buses and emergency vehicles only, and shall not be used for private automobiles. A wider bridge, which may be constructed if a stadium is constructed at the Shipyard, shall not be used by private automobiles except on game days or other stadium events and shall not be used by private automobiles more than twenty (20) days per calendar year without the prior approval of the Board of Supervisors.' The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Section 11.2(c) on the accompanying ICA by adding '(c) Notwithstanding anything in this ICA or in the Plan Documents to the contrary, any material amendment to the Below-Market Rate Housing Plan, the Infrastructure Plan, the Open Space Plan, the Transportation Plan, or the Design for Development for the Project shall be subject to the prior review and approval of the City's Board of Supervisors, which the Board of Supervisors may give or withhold in its sole discretion. The proposed amendment shall be deemed approved by the Board of Supervisors unless the Board takes action by resolution to reject the proposed amendment within sixty (60) days following the date that the proposed amendment is submitted to the Clerk of the Board of Supervisors. The Agency agrees that it will not make any such material amendment without the Board of Supervisors prior approval as set forth above, and by consenting to this ICA, Developer agrees and consents to this requirement.' The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to AMEND Section 3.6 on the accompanying ICA Report by adding 'If the SFPUC does not provide electricity and/or natural gas to the Project Site as set forth above, and the City offers Community Choice Aggregation service in the City, then the City's Community Choice Aggregation service will extend to and include the Project Site. In addition, the Parties agree future owners and users of property within the Project Site have the ability to participate in any such Community Choice Aggregation service available to City residents.' The motion PASSED by the following vote:
Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to AMEND by adding Section 3.8 on the accompanying ICA to read 'Workforce Development. During the development of the Project, the Agency, the City's Office of Economic and Workforce Development, and Developer, shall prepare an annual report to the Board of Supervisors regarding the status of all workforce development related to the Project and the jobs created and offered to City residents in accordance with the Bayview Hunters Point Employment and Contracting Policy. Upon the request of one or more members of the Board of Supervisors, staff from the Agency, the City's Office of Economic and Workforce Development and Developer shall attend meetings to review the status workforce development for the Project and develop strategies to ensure that the benefits of the Bayview Hunters Point Employment and Contracting Policy are maximized to the greatest extent possible.' The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to AMEND by adding Section 4.2 on the accompanying ICA to read 'BVHP ECP. Notwithstanding anything in this ICA or in the Plan Documents to the contrary, if the City changes its local hiring or first source hiring policies City-wide to require local hire mandates instead of "good faith efforts" to meet hiring goals, then the parties agree that (i) the Agency shall have the right to make conforming changes to the BVHP ECP without the approval of Developer or any Vertical Developer, (ii) such changes do not and shall not be deemed to conflict with the development permitted by the Redevelopment Plans, the Plan Documents or the DDA and (iii) such changes shall not be subject to the restrictions set forth in the Redevelopment Plans regarding New City Regulations or New Construction Requirements. Nothing in this Section 4.2 would require the Agency or the Developer to make or impose changes to the BVHP ECP that would violate the terms of a then-existing project labor agreement. The Agency and Developer agree to make changes to the DDA to make it consistent with this Section 4.2. By consenting to this ICA, Developer agrees and consents to the provisions and requirements of this Section 4.2.' The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to AMEND Section 14.2.4 to the Disposition and Development Agreement (DDA) required to secure Board approval of the ICA by adding 'The Minimum Compensation Policy (adopted by Resolution No. 34-2009, April 7, 2009) attached as Exhibit AA (the "MCP"). All employers retaining employees to perform work at the Project Site shall, subject to sections 6 through 9 of the MCP, be required to provide to each employee, for each hour worked at the Project Site, not less than the Minimum Compensation set forth in section 3 of the MCP. Only workers who work at least ten (10) hours per week at the Project Site, and who are not excluded from coverage pursuant to section 2.7(b) of the MCP, are covered by this Section 14.2.4. This Section 14.2.4 shall apply to employment by the Developer, Vertical Developers, Transferees, contractors, tenants, and any other entities hiring workers for employment at the Project Site. This Section 14.2.4 does not apply to the employment of any worker for the performance of construction services, and does not apply to employers with fewer than twenty (20) employees. Developer and Vertical Developers shall ensure that all employers at the Project Site agree to terms of this Section 14.2.4 and the MCP through contractual commitments enforceable directly against project employers. The requirements of this Section 14.2.4 shall be administered and enforced as described in the MCP, with employers that are covered pursuant to this Section 14.2.4 considered, for purposes of administration and enforcement, as Contractors subject to section 3 of the MCP.' The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to AMEND Section 16.3.2 on the accompanying DDA required to secure Board approval of the ICA Report by deleting reference to 'punitive damages.' The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu, seconded by Supervisor Mar, moved to AMEND by adding Section 3.7 on the accompanying ICA to read '3.7 Parcel E-2. The Agency covenants and agrees that the Agency shall not accept ownership of Parcel E-2 from the Navy unless and until Parcel E-2 has been remediated to the highest practicable level of cleanup.' The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu, seconded by Supervisor Mar, moved to AMEND Section 2.2 to the Community Benefits Plan to secure Board approval of the ICA to read 'The Developer shall contribute (or cause the contribution of) Two Hundred and Fifty Thousand Dollars ($250,000) in all cash (the "Healthcare Predevelopment Contribution") to the Agency (or its designee) to be used for predevelopment expenses associated with the expansion of the Southeast Health Center, including an assessment of the programmatic needs of an expanded center in light of other health care services in the area. The obligation to contribute the Healthcare Predevelopment Contribution shall accrue and be made on the date that is ninety (90) days after the first Major Phase Approval. Based on current projections, the capital costs for expanding the Southeast Health Center will be funded through a combination of (i) tax increment generated in Zone 2 of the Bayview Hunters Point Redevelopment Project Area, (ii) the $2,000,000 Wellness Contribution paid by the Developer, and (iii) the City's ability to finance savings that would accrue to the DPH by moving from leased space into owned space at an expanded Southeast Health Center; should the final budget for a Southeast Health Center expansion be different from current projections, the portion of the Wellness Contribution paid by the Developer for the expansion of the Southeast Health Center may be modified by the mutual consent of the parties; if the Developer contribution for the Southeast Health Center is reduced, any remaining portion of the $2,000,000 shall be used for other health needs in the BVHP.' The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to AMEND by adding Section 3.9 to the ICA to read 'No Fossil Fuel Power Plants. The City and the Agency agree that (i) new fossil fuel power plants would cause unnecessary human health impacts, (ii) alternatives such as passive heating and cooling and solar electricity and solar water heat generation can be achieved at comparable cost, and (iii) it is City and County of San Francisco policy to dismantle rather than build fossil fuel power plants. Accordingly, no fossil fuel power plants shall be included in the Project plans or approvals.' The motion PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING, after accepting the amendments to the accompanying reports by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Board

100988 [Hunters Point Shipyard Redevelopment Plan]

Motion adopting findings in response to written objections to adoption of an amendment to the Hunters Point Shipyard Redevelopment Plan delivered to the Clerk of the Board of Supervisors before or at the public hearing on adoption of the Redevelopment Plan, pursuant to the requirements of the California Community Redevelopment Law. (Clerk of the Board)

Motion No. M10-121

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Land Use and Economic Development Committee Without Recommendation

*** 100659 [Hunters Point Shipyard Redevelopment Project Area]**

Sponsors: Mayor; Maxwell

Ordinance approving and adopting an amendment to the Redevelopment Plan for the Hunters Point Shipyard Redevelopment Project Area; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1.

See File No. 100658.

PASSED ON FIRST READING, after accepting the amendments to the accompanying reports by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

From the Board

100772 [Report of Assessment Costs for Sidewalk and Curb Repairs]

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

Robert Quan (Department of Public Works) provided an amendment to the Assessment Report.

ADOPTED, after accepting the amendment to the accompanying report. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100891 [Report of Assessment Costs for Blighted Property Located at 1232 Noriega Street]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted property located at 1232 Noriega Street ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

Supervisor Chu, seconded by Supervisor Avalos, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100606 [California Environmental Quality Act Findings for San Francisco Public Utilities Commission Crystal Springs/San Andreas Transmission Upgrade Project]

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Crystal Springs/San Andreas Transmission Upgrade Project, part of the Water System Improvement Program for the improvements to the regional water supply system, otherwise known as Project No. CUW37101, including the Mitigation Habitat Actions at two sites in San Mateo County; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100814 [Amendment to Treasure Island Development Authority Contract with AMEC Geomatrix, Inc. - Not to Exceed $1,799,000]

Sponsor: Mayor

Resolution approving an amendment to the contract between the Treasure Island Development Authority and AMEC Geomatrix, Inc. to extend the term through June 30, 2011, and to increase the contract by an amount not to exceed $180,000 for a new total amount not to exceed $1,799,000 for environmental consulting services.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100860 [Amendment to Maintenance and Management Agreement Between the San Francisco Port Commission and the San Francisco Redevelopment Agency for Rincon Park]

Resolution authorizing and directing the Port Executive Director to retroactively execute the Third Amendment to the Maintenance and Management Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco for the maintenance and management of Rincon Park by the Port, extending the term of the Agreement from July 1, 2010, to June 30, 2013. (Port)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

100693 [Mission Bay North-Block N1 Public Infrastructure Improvements]

Ordinance accepting of the irrevocable offer of additional property along Townsend Street, King Street, and Fourth Street and the irrevocable offer of public infrastructure improvements associated with Mission Bay North Block N1, including acquisition facilities on Third Street, Townsend Street, King Street, and Fourth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; designating street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,676; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100852 [Mission Bay South - Park P17 Improvements]

Ordinance dedicating a portion of State Trust Parcel 5, known as Park P17, lying along Mission Bay Boulevard North, Mission Bay Boulevard South and Terry A. Francois Boulevard for public use and naming the new park "Commons Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,716 and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100853 [Mission Bay South - Park P18 Improvements]

Ordinance dedicating a portion of State Trust Parcel 5, known as Park P18, lying along Terry A. Francois Boulevard between Mission Bay Boulevard North and China Basin Street for public use and naming the new park "Bayfront Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,715 and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100883 [Agreement Regarding the Exchange of Fire Station No. 1 Located at 676 Howard Street and Portions of Hunt Street for 935 Folsom Street and a Replacement Fire Station]

Sponsor: Mayor

Ordinance authorizing the Director of Property to execute a conditional land disposition and acquisition agreement with the San Francisco Museum of Modern Art and its affiliate (collectively, Museum) for the proposed future conveyance by the City and County of San Francisco (City) to Museum of real property located at 676 Howard Street, San Francisco (Fire Station No. 1) and all of that portion of Hunt Street within Block No. 3722, collectively, in exchange for conveyance by Museum to City of a parcel of real property located at 935 Folsom Street, a new fire station to be constructed by or on behalf of Museum on such parcel, and an easement for parking purposes adjacent to such parcel; exempting from the competitive bidding and contract requirements of Chapter 6 of City's Administrative Code all contracts to be entered into by Museum for the design and construction of the new fire station and the improvement of such parcel and parking easement; and making findings, including findings of consistency with the General Plan and Planning Code Section 101.1(b).

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100639 [Permits for Commercial Parking Garages and Lots]

Sponsor: Alioto-Pier

Ordinance amending sections of the San Francisco Police Code, Business and Tax Regulations Code and Fire Code to: (1) transfer responsibility for parking garage and parking lot permits from the Fire Department to the Police Department; (2) require a commercial parking permit to operate a garage or lot where members of the public can park for a charge; set fees; establish permit issuance, suspension and revocation procedures; establish requirements for permit holders and individuals working at parking garages and lots; and (3) limit the term of a commercial parking permit to one year and require annual application for a commercial parking permit.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100467 [Zoning Map Amendment for One Capitol Avenue]

Sponsor: Avalos

Ordinance amending Section Maps ZN12 of the Zoning Maps of the City and County of San Francisco for the real property at One Capitol Avenue (Assessor's Block No. 7148/Lot No. 040), to reclassify the property from a P (Public) Zoning District to an RH-1 (Residential, House, One-Family) Zoning District; and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

* 100804 **[Interim Zoning - Requiring Conditional Use Authorization for Change in Use or Reduction of Child Care Facilities]**

Sponsors: Alioto-Pier; Dufty, Daly, Chiu, Maxwell and Mar

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for a change in use or reduction in size of any child care facility that serves more than 13 children, for an 18 month period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

From the Land Use and Economic Development Committee Without Recommendation

100572 **[CEQA Findings, Candlestick Point - Hunters Point Shipyard Phase II Project]**

Sponsors: Mayor; Maxwell

Resolution adopting findings under the California Environmental Quality Act (CEQA), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations in connection with the development of the Hunters Point Shipyard and Candlestick Point, as envisioned in the Hunters Point Shipyard Redevelopment Plan, the Bayview Hunters Point Redevelopment Plan, and the Conceptual Framework for integrated development of the Hunters Point Shipyard and Candlestick Point endorsed by the Board of Supervisors and the Mayor in May 2007 and approved by the voters in 2008 through passage of Proposition G, the Jobs, Parks and Housing Initiative.

Supervisor Chiu, seconded by Supervisor Campos, moved that this Resolution be AMENDED beginning on Page 5, Line9, to read 'FURTHER RESOLVED, that because the City and County of San Francisco remains deeply concerned about the Navy's final cleanup strategy for Parcel E-2, the Board of Supervisors hereby (i) declares the adoption of these findings shall not in any way imply support of a cap for Parcel E-2, (ii) pursuant to Proposition P, adopted by the voters of San Francisco in 2000, and the legally binding Conveyance Agreement regarding the cleanup and transfer of the Shipyard between the Navy and the City, executed in 2004, implementing Proposition P, the Board of Supervisors hereby declares its intention that the United States Environmental Protection Agency (U.S. EPA), California Environmental Protection Agency (California EPA), and the Navy should pursue the highest practicable level of cleanup for Parcel E-2, and that the San Francisco Redevelopment Agency shall not accept such property unless and until that cleanup standard is satisfied as provided in the Interagency Cooperation Agreement between the City and the Redevelopment Agency, and (iii) the Board of Supervisors shall conduct a hearing regarding potential final cleanup strategies for Parcel E-2 before a final remedy is selected, and urges that the Navy, U.S. EPA and California EPA participate in such hearing before the Board of Supervisors regarding potential final cleanup strategies for Parcel E-2 before a final remedy is selected, and the Board of Supervisors shall conduct a separate hearing prior to any transfer of Parcel E-2 to the San Francisco Redevelopment Agency.' The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED beginning on Page 6, Line 1, by adding a final sentence to read 'To the extent final remedies have not already been selected, the Board of Supervisors shall conduct hearings regarding potential final cleanup strategies for each Project parcel at the Shipyard before any final remedies are selected and urges that the Navy, U.S. EPA and California EPA participate in all such hearings.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED, after accepting the amendments to the accompanying reports by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

100574 [General Plan Amendments - Candlestick Point Activity Node and Hunters Point Shipyard Phase 2 Project]

Sponsors: Mayor; Maxwell

Ordinance amending the San Francisco General Plan by amending the Bayview Hunters Point Area Plan, the Transportation Element, the Recreation and Open Space Element, the Commerce and Industry Element, maps and figures in various Elements, and the Land Use Index, and by adopting and adding the Candlestick Point Subarea Plan and the Hunters Point Area Plan, in order to facilitate the development of the Hunters Point Shipyard and Candlestick Point, as envisioned in the Hunters Point Shipyard Redevelopment Plan, the Bayview Hunters Point Redevelopment Plan, and the Conceptual Framework for integrated development of the Hunters Point Shipyard and Candlestick Point endorsed by the Board of Supervisors and the Mayor in May 2007 and approved by the voters in 2008 through passage of Proposition G, the Jobs, Parks and Housing Initiative; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100575 [Hunters Point Shipyard - Health Code Amendment]

Sponsors: Mayor; Maxwell

Ordinance amending Article 31 of the Health Code to extend, to the entire Hunters Point Shipyard area, the special permit processing requirements that now apply to Hunters Point Shipyard Parcel A to address potential residual contamination, and imposing fees to administer this Article; amending Sections 804 and 1227 of the Health Code to make conforming amendments; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100576 [Hunters Point Shipyard - Public Works Code Amendment]

Sponsors: Mayor; Maxwell

Ordinance amending the Public Works Code to amend Section 2.3.1 to extend, to the entire Hunters Point Shipyard area, the special permit processing requirements that now apply at Hunters Point Shipyard Parcel A to address potential residual contamination and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100577 [Hunters Point Shipyard - Building Code Amendment]

Sponsors: Mayor; Maxwell

Ordinance amending the Building Code to amend Section 106A.3.2.5 to extend, to the entire Hunters Point Shipyard area, the special permit processing requirements that now apply at Hunters Point Shipyard Parcel A to address potential residual contamination and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100578 [Zoning Map Amendments - Candlestick Point Activity Node and Hunters Point Shipyard Phase 2 Project]

Sponsors: Mayor; Maxwell

Ordinance amending the San Francisco Planning Code by amending Sectional Maps SU09 and SU010 of the Zoning Map of the City and County of San Francisco to establish the Candlestick Point Activity Node Special Use District and the Hunters Point Shipyard Phase 2 Special Use District; amending Sectional Maps HT09 and HT010 to establish the CP Height and Bulk District and the HP Height and Bulk District; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; providing for an operative date.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100579 [Zoning - Establishment of the Candlestick Point Activity Node Special Use District, the Hunters Point Shipyard Phase 2 Special Use District, and Special Height and Bulk Provisions for the Special Use Districts]

Sponsors: Mayor; Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.50 to establish the Candlestick Point Activity Node Special Use District; adding Section 249.51 to establish the Hunters Point Shipyard Phase 2 Special Use District; adding Section 263.24 to establish Special Height Provisions for the Candlestick Point Activity Node Special Use District and the CP Height and Bulk District; adding Section 263.25 to establish Special Height Provisions for the Hunters Point Shipyard Phase 2 Special Use District and the HP Height and Bulk District; and amending Table 270, to provide that the Table is not applicable to the Candlestick Point Activity Node Special Use District and the Hunters Point Shipyard Phase 2 Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; providing for an operative date.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100661 [Subdivision Code - Candlestick Point and Hunters Point Shipyard]

Sponsors: Mayor; Maxwell

Ordinance amending the Hunters Point Shipyard Subdivision Code to rename the Code's Division 3 title and make various amendments pertaining to the subdivision process in Phase 2 of the Hunters Point Shipyard Redevelopment Plan and Zone 1 of the Bayview Hunters Point Redevelopment Project Area, including the establishment of a procedure for reviewing and filing vesting tentative transfer maps; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100660 [Candlestick Point and Shipyard Phase 2 Redevelopment Project - Real Property Transfer and Public Trust Exchange]

Sponsors: Mayor; Maxwell

Resolution approving and authorizing the execution, delivery and performance of: (1) a Real Property Transfer Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco for Certain City Property at Candlestick Point, and (2) a Title Settlement, Public Trust Exchange and Boundary Line Agreement between the City and County of San Francisco (acting by and through the Board of Supervisors and through the Port Commission), the Redevelopment Agency of the City and County of San Francisco, the California State Lands Commission and the California Department of Parks and Recreation, both agreements being in furtherance of the Candlestick Point and Phase 2 of the Hunters Point Shipyard Redevelopment Project.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100662 [Tax Increment Allocation Pledge Agreement for the Candlestick Point and Phase 2 of the Hunters Point Shipyard Project]

Sponsors: Mayor; Maxwell

Resolution approving a Tax Increment Allocation Pledge Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco for the pledge of net available tax increment to finance public improvements and affordable housing in furtherance of the Candlestick Point and Phase 2 of the Hunters Point Shipyard Redevelopment Project; adopting findings under the California Environmental Quality Act; and adopting findings that the agreement is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendations of the Public Safety Committee

100054 [Workforce Development - Public Service Academies]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Sections 30.30 through 30.35, to establish public safety and public health training programs for San Francisco Unified School District high school students.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED on Page 3, Line 18, by deleting 'and'; on Line 19, by adding 'and the Department of Workforce Development' after 'College District,'; on Line 19, by replacing 'Department of Workforce Development' with 'Department of Children, Youth, and Their Families'; on Line 24, by deleting 'and'; on Page 3, Line 25, through Page 4, Line 2, by adding ', the San Francisco Unified School District, and the Department of Workforce Development'; on Line 2-3, by replacing 'Workforce Development' with 'the Department of Children, Youth, and Their Families'; Lines 13-14, by replacing 'Workforce Development' with 'the Department of Children, Youth, and Their Families'; on Line 15, by replacing 'June 30, 2010' with 'January 1, 2011'; and Lines 19-20, by replacing 'Workforce Development' with 'the Department of Children, Youth, and Their Families'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100674 [Expanding the Entertainment Commission's Power to Revoke Permits]

Sponsor: Chiu

Ordinance amending Sections 1060.20.4 and 1070.20 of the San Francisco Police Code to expand the grounds for revocation of place of entertainment permits, extended-hours premises permits, and one time event permits to include: (1) public safety considerations, where operation of the permit poses a substantial risk of physical harm or injury to individuals, and (2) where the permittee's persistent action or inaction causes serious and continuing problems that amount to a public nuisance.

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED on Page 2, Line 19, by changing '3840' to '3480'; and on Page 4, Line 16, by changing '3840' to '3480.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100854 [Approval of the San Francisco Child and Family Services Review - System Improvement Plan for the San Francisco Human Services Agency and Juvenile Probation Departments]

Resolution approving San Francisco's Child and Family Services Review - System Improvement Plan, a strategic plan that: (1) outlines how San Francisco will improve prioritized outcomes for children, youth, and families; (2) serves as the operational agreement between the county and state; and (3) includes plans for utilizing Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families revenues to prevent child maltreatment. (Human Services Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100869 [Accept and Expend Grant - Airport K-9 Explosives Detection Team Program - $700,500]

Sponsor: Elsbernd

Resolution authorizing the Airport Commission to retroactively accept and expend funding in a total amount of $700,500 from the Transportation Security Administration for the Airport K-9 Explosives Detection Team Program.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

100897 [Appointment, Police Commission - Carol Kingsley]

Motion confirming the Mayor's nomination of, and appointing, Carol Kingsley to the San Francisco Police Commission for the unexpired portion of a four-year term ending April 30, 2014. (Clerk of the Board)

(Section 4.109 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - July 1, 2010)

Motion No. M10-119

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100760 [Community Policing and Foot Beat Patrols]

Sponsors: Mirkarimi; Chiu, Avalos, Campos and Mar

Motion ordering submitted to the voters an ordinance establishing the Community Policing Policy and Foot Beat Patrol Program at an election to be held on November 2, 2010.

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisors Mirkarimi and Campos, moved to terminate debate on File Nos. 100760 and 100953. The motion FAILED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12.

President Chiu discussed parlimentary procedures and ruled that the division of the question did not constitute an amendment and was therefore not subject to the San Francisco Municipal Elections Code Section 305(a)3 and did not require further public comment and directed the Clerk of the Board to call the roll on the divided question.

Supervisor Elsbernd moved that the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 12 through Page 3, Line 12 be DIVIDED. The question FAILED as divided by the following vote:

Ayes: 1 - Elsbernd
Noes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100953 [Community Policing and Foot Beat Patrols]
Sponsors: Mirkarimi; Chiu and Mar

Motion ordering submitted to the voters an ordinance at an election to be held on November 2, 2010, establishing the Community Policing Policy and Foot Beat Patrol Program and supplanting any City ordinance the voters approve at the November 2, 2010, election that bans lying or sitting on public sidewalks.

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisors Mirkarimi and Campos, moved to terminate debate on File Nos. 100760 and 100953. The motion FAILED by the following vote:
Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to add the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd divided the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15.

President Chiu discussed parlimentary procedures and ruled that the division of the question did not constitute an amendment and was therefore not subject to the San Francisco Municipal Elections Code Section 305(a)3 and did not require further public comment and directed the Clerk of the Board to call the roll on the divided question.

Supervisor Elsbernd moved that the question relating to requiring the Police Commission to adopt a community policing policy located on Page 2, Line 15 through Page 3, Line 15 be DIVIDED. The question PASSED as divided by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion No. M10-122

APPROVED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100842 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interest By Eminent Domain for Central Subway/Third Street Light Rail Extension - 801 Market Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 801 Market Street, San Francisco, California, Assessor's Parcel No. Block 3705, Lot 48A, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100843. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Dan Engler (Property Owner) expressed concerns relating to the proposed acquisition. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100843 [Authorizing the Acquisition of Subsurface Real Property Easement By Eminent Domain for Central Subway/Third Street Light Rail Extension - 801 Market Street]

Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 801 Market Street, San Francisco, California, Assessor's Parcel No. Block 3705, Lot 48A, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 11, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 12, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 14, by changing 'is' to 'are'; on Line 15, by changing 'is' to 'are'; on Line 23, by adding 'EIS/' before 'EIR'; on Page 3, Line 8, by changing 'April 9, 2010' to 'May 4, 2009'; on Line 11, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 14, by adding 'EIS/' before 'EIR'; on Line 15, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 18, by adding 'EIS/' before 'EIR'; on Page 4, Line 14, by deleting 'notice'; on Page 5, Line 14, by adding 'take all necessary steps to' before 'commence'; on Line 14, by adding 'and prosecute' after 'commence'; on Line 15, by adding 'the owner or owners of' before 'any and all'; on Lines 16-17, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 17, by adding 'and all' after 'to take any'; on Line 18, by adding 'and all' before 'legal'; on Lines 18-19, by adding 'or permanent' after 'immediate'; on Line 22, by adding 'EIS/' before 'EIR'; on Line 23, by adding 'EIS/' before 'EIR'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 6, Line 2, by adding 'EIS/' before 'EIR'; on Line 4, by adding 'EIS/' before 'EIR'; on Line 7, by adding 'EIS/' before 'EIR'; Line 14, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 23, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100836 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property By Eminent Domain for Central Subway/Third Street Light Rail Extension - 266-286 - 4th Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 266-286 - 4th Street, San Francisco, California, Assessor's Parcel No. Block 3733, Lot 093, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100837. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100837 [Authorizing the Acquisition of Fee Simple Interest By Eminent Domain for Central Subway/Third Street Light Rail Extension - 266-286 - 4th Street]

Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 266-286 - 4th Street, San Francisco, California, Assessor's Parcel No. Block 3733, Lot 093, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 11, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 12, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 14, by changing 'is' to 'are'; on Line 15, by changing 'is' to 'are'; on Line 23, by adding 'EIS/' before 'EIR'; on Page 3, Line 7, by changing 'April 9, 2010' to 'May 4, 2009'; on Lines 9-10, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 13, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'EIS/' before 'EIR'; on Line 16, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Page 4, Line 10, by deleting 'notice'; on Page 5, Line 9, by adding 'take all necessary steps to' before 'commence'; on Line 9, by adding 'and prosecute' after 'commence'; on Line 10, by adding 'the owner or owners of' before 'any and all'; on Lines 11-12, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 12, by adding 'and all' after 'to take any'; on Line 13, by adding 'and all' before 'legal'; on Lines 13-14, by adding 'or permanent' after 'immediate'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 18, by adding 'EIS/' before 'EIR'; on Line 19, by adding 'EIS/' before 'EIR'; on Line 22, by adding 'EIS/' before 'EIR'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 6, Line 2, by adding 'EIS/' before 'EIR'; on Line 9, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 18, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100848 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property By Eminent Domain for Central Subway/Third Street Light Rail Extension - 1455 Stockton Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 1455 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0130, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100849. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100849 [Authorizing the Acquisition of Subsurface Real Property Easement By Eminent Domain for Central Subway/Third Street Light Rail Extension - 1455 Stockton Street]

Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 1455 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0130, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 12, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 13, by adding 'EIS/' before 'EIR'; on Line 15, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 15, by changing 'is' to 'are'; on Line 16, by changing 'is' to 'are'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 3, Line 10, by changing 'April 9, 2010' to 'May 4, 2009'; on Lines 12-13, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 16, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 19, by adding 'EIS/' before 'EIR'; on Line 20, by adding 'EIS/' before 'EIR'; on Page 4, Line 16, by deleting 'notice'; on Page 5, Line 16, by adding 'take all necessary steps to' before 'commence'; on Line 16, by adding 'and prosecute' after 'commence'; on Line 17, by adding 'the owner or owners of' before 'any and all'; on Lines 18-19, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 19, by adding 'and all' after 'to take any'; on Line 20, by adding 'and all' before 'legal'; on Lines 20-21, by adding 'or permanent' after 'immediate'; on Line 24, by adding 'EIS/' before 'EIR'; on Line 25, by adding 'EIS/' before 'EIR'; on Page 6, Line 1, by adding 'EIS/' before 'EIR'; on Line 4, by adding 'EIS/' before 'EIR'; on Line 6, by adding 'EIS/' before 'EIR'; on Line 9, by adding 'EIS/' before 'EIR'; on Line 16, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 25, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100839 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property By Eminent Domain for Central Subway/Third Street Light Rail Extension - 790 Market Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 790 Market Street, San Francisco, California, Assessor's Parcel No. Block 0328, Lot 002, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100840. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100840 [Authorizing the Acquisition of Subsurface Real Property Easement By Eminent Domain for Central Subway/Third Street Light Rail Extension - 790 Market Street]

Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 790 Market Street, San Francisco, California, Assessor's Parcel No. Block 0328, Lot 002, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 11, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 12, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 14, by changing 'is' to 'are'; on Line 15, by changing 'is' to 'are'; on Line 23, by adding 'EIS/' before 'EIR'; on Page 3, Line 8, by changing 'April 9, 2010' to 'May 4, 2009'; on Line 11, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 14, by adding 'EIS/' before 'EIR'; on Line 15, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 18, by adding 'EIS/' before 'EIR'; on Page 4, Line 14, by deleting 'notice'; on Page 5, Line 14, by adding 'take all necessary steps to' before 'commence'; on Line 14, by adding 'and prosecute' after 'commence'; on Line 15, by adding 'the owner or owners of' before 'any and all'; on Lines 16-17, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 17, by adding 'and all' after 'to take any'; on Line 18, by adding 'and all' before 'legal'; on Lines 18-19, by adding 'or permanent' after 'immediate'; on Line 22, by adding 'EIS/' before 'EIR'; on Line 23, by adding 'EIS/' before 'EIR'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 6, Line 2, by adding 'EIS/' before 'EIR'; on Line 4, by adding 'EIS/' before 'EIR'; on Line 7, by adding 'EIS/' before 'EIR'; Line 14, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 23, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100845 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property By Eminent Domain for Central Subway/Third Street Light Rail Extension - 933-949 Stockton Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 933-949 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0211, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100846. John Funghi and Kerstin Magary (MTA) provided an overview of the project and responded to questions raised throughout the discussion. Jackie Sachs spoke expressing support for the project. Kerstin Magary (MTA) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100846 [Authorizing the Acquisition of Fee Simple Interest By Eminent Domain for Central Subway/Third Street Light Rail Extension - 933-949 Stockton Street]

Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 933-949 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0211, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

Supervisor Mar, seconded by Supervisor Campos, AMENDED on Page 2, Line 11, by adding 'Supplemental Environmental Impact Statement/' before 'Supplemental'; Line 12, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'The Final Supplemental EIS/EIR and' before 'Motion'; on Line 14, by changing 'is' to 'are'; on Line 15, by changing 'is' to 'are'; on Line 23, by adding 'EIS/' before 'EIR'; on Page 3, Line 7, by changing 'April 9, 2010' to 'May 4, 2009'; on Lines 9-10, by adding '. On April 9, 2010, the Planning Department confirmed the May 4, 2009 determination' after 'applicable'; on Line 13, by adding 'EIS/' before 'EIR'; on Line 14, by adding 'EIS/' before 'EIR'; on Line 16, by adding 'EIS/' before 'EIR'; on Line 17, by adding 'EIS/' before 'EIR'; on Page 4, Line 10, by deleting 'notice'; on Page 5, Line 9, by adding 'take all necessary steps to' before 'commence'; on Line 9, by adding 'and prosecute' after 'commence'; on Line 10, by adding 'the owner or owners of' before 'any and all'; on Lines 11-12, by adding ', to the extent such proceedings are necessary' after 'City'; on Line 12, by adding 'and all' after 'to take any'; on Line 13, by adding 'and all' before 'legal'; on Lines 13-14, by adding 'or permanent' after 'immediate'; on Line 17, by adding 'EIS/' before 'EIR'; on Line 18, by adding 'EIS/' before 'EIR'; on Line 19, by adding 'EIS/' before 'EIR'; on Line 22, by adding 'EIS/' before 'EIR'; on Line 24, by adding 'EIS/' before 'EIR'; on Page 6, Line 2, by adding 'EIS/' before 'EIR'; on Line 9, by adding 'Resolution No. 08-145 on August 19, 2008, and' after 'adopting'; and on Line 18, by adding 'Board of Directors' after 'SFMTA'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100987 [Committee of the Whole - San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]

Hearing of persons interested in or objecting to the amendments to the proposed Charter Amendments (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.100, 8A.101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, 8A.113, A8.409-1, A8.409-4, and A8.428, and repealing Section A8.404, to: provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors; allocate a share of property tax revenues to the Transportation Fund; require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors; establish an Office of the MTA Inspector General; and, eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the amendments to the amendments to the proposed San Francisco Municipal Transportation Agency Appointments Policy and Other Procedures Charter Amendment as referenced in File Nos. 100637 and 100982. Peter Stauss expressed support relating to the amendments to the proposed charter amendment in File No. 100982. Walter Paulson shared in song certain concerns relating to the amendments to the proposed charter amendments. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100637 [San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]

Sponsors: Campos; Mirkarimi and Mar

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.100, 8A.101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, 8A.113, A8.409-1, A8.409-4, and A8.428, and repealing Section A8.404, to: provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors; allocate a share of property tax revenues to the Transportation Fund; require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors; establish an Office of the MTA Inspector General; and, eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining.

Supervisor Chiu requested to be removed as a co-sponsor.

ORDERED SUBMITTED. The motion FAILED by the following vote:

Ayes: 1 - Daly

Noes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100982 [San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]

Sponsors: Campos; Mirkarimi and Mar

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.100, 8A.101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, 8A.113, A8.409-1, A8.409-4, and A8.428, and repealing Section A8.404, to: provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors; allocate a share of property tax revenues to the Transportation Fund; require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors; establish an Office of the MTA Inspector General; and, eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining.

Supervisor Chiu requested to be removed as a co-sponsor.

ORDERED SUBMITTED. The motion FAILED by the following vote:

Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty introduced, welcomed, and presented Certificates of Honor to Duane Kuiper and Mike Krukow in recognition of their 20 years of dedicated service as Broadcasters for the San Francisco Giants and for their continued community support.

Supervisor Alioto-Pier introduced, welcomed, and presented Douglas Pingle who accepted Certificates of Honor on behalf of the Independent Living Resource Center and Disabled Sports USA - Far West in recognition of their accomplishments and continued community support.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various religious concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100902 [Committee of the Whole - Public Hearing on Special Assessment of Liens for Assessment of Cost]

Motion directing the Board of Supervisors to hold a public hearing on August 3, 2010, with the Board sitting as a Committee of the Whole, to consider adopting a Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, Section 108A, and Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection, for services rendered by said Department of costs thereof having accrued pursuant to code violations referenced above. (Clerk of the Board)

Motion No. M10-123

APPROVED

100975 [Accept and Expend Grant - Polling Place Accessibility Training Program - Not to Exceed $5,000]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Department of Elections to accept and expend a grant in an amount not to exceed $5,000 for improving polling place accessibility in accordance with the California Secretary of State's Help America Vote Act Polling Place Accessibility Training Program.

ADOPTED

100978 [Commending Patricia M. Pendergast]

Sponsor: Chu

Resolution commending Patricia M. Pendergast, Principal Personnel Analyst and Manager of Examination and Recruitment for the San Francisco Public Utilities Commission, upon her retirement after forty-one years of dedicated service.

ADOPTED

100981 [Honoring Kelly Clark and the We Ride 3000 Team]

Sponsor: Dufty

Resolution honoring Kelly Clark and the We Ride 3000 Team in recognition of their 3,200 mile bike ride across the United States, from San Francisco to Washington D.C., in advocacy for public education awareness.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Alioto-Pier requested that File No. 100935 be severed so that it may be considered separately.

100935 [Supporting Eddy Zheng's Application to Remain Lawfully in the United States]

Sponsors: Chiu; Mar, Avalos, Mirkarimi, Campos, Chu and Maxwell

Resolution urging the Honorable Arnold Schwarzenegger, Governor of California, to grant Xiao Fei "Eddy" Zheng a full pardon and allow him to remain in the United States and to continue to serving youth in the San Francisco Bay Area community.

Privilege of the floor was granted to Stephen Zimmerman (Police Department) who responded to questions raised throughout the discussion regarding File No. 100935.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos requested that File No. 100977 be severed so that it may be considered separately.

100977 [Requesting the Planning Commission or Planning Department to Extend the Public Comment Period on the California Pacific Medical Center's Draft Environmental Impact Report to a Minimum of 90 Days and Conduct Two Public Hearings on the Environmental Impact]

Sponsor: Campos

Resolution requesting that the Planning Commission or Planning Department extend the public comment period on the California Pacific Medical Center's Draft Environmental Impact Report to a minimum of 90 days and conduct two public hearings on the Environmental Impact Report because of the project's exceptional size and complexity and so the public can conduct a thorough review and offer thoughtful input.

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu requested that File No. 100961 be severed so that it may be considered separately.

100961 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the November 2, 2010, Election]

Motion authorizing preparation of written proponent and opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 2, 2010, Election. (Clerk of the Board)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Motion be CONTINUED to August 3, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd requested that File No. 100986 be severed so that it may be considered separately.

100986 [Directing the Budget and Legislative Analyst to Audit the San Francisco Office of the Public Defender]

Sponsor: Daly

Motion directing the Budget and Legislative Analyst to audit the San Francisco Office of the Public Defender.

Privilege of the floor was granted to Harvey Rose (Budget Analyst) who responded to questions raised throughout the discussion regarding File No. 100986.

APPROVED. The motion FAILED by the following vote:

Ayes: 2 - Avalos, Daly

Noes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

100954 [Settlement of Lawsuit - Ricardo Rodriguez - $30,000]

Ordinance authorizing settlement of the lawsuit filed by Ricardo Rodriguez against the City and County of San Francisco for $30,000; the lawsuit was filed on February 19, 2009, in Superior, Case No. CGC09-485133; entitled Ricardo Rodriguez v. City and County of San Francisco, et al. (City Attorney)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100955 [Settlement of Lawsuit - Stanislaus Imports - $245,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Stanislaus Imports against the City and County of San Francisco for $245,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100956 [Settlement of Lawsuit - Monte & Joanne Stott and Stott & Associates, Inc. - $32,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Monte & Joanne Stott and Stott & Associates, Inc. against the City and County of San Francisco for $32,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100957 [Settlement of Lawsuit - Yannick Constant - $32,500]

Ordinance authorizing settlement of the lawsuit filed by Yannick Constant against the City and County of San Francisco for $32,500; the lawsuit was filed on April 21, 2008, in San Francisco Superior Court, Case No. 474485; entitled Yanick Constant v. City and County of San Francisco, et al. (City Attorney)

07/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100958 [Settlement of Lawsuit - Icenogle IMR Joint Venture - $1,330,000]

Ordinance authorizing settlement of the lawsuit filed by Icenogle IMR Joint Venture against the City and County of San Francisco for $1,330,000; the lawsuit was filed on September 24, 2007, in San Francisco County Superior Court, and subsequently transferred to Alameda County Superior Court, Case No. RG08391219; entitled Icenogle IMR Joint Venture v. City and County of San Francisco, et al.; other material terms of said settlement are: (1) mutual releases except for latent defects, (2) dismissal of all complaints and cross-complaints with prejudice, (3) each side to bear its own attorneys fees and costs, and (4) plaintiff to be responsible for resolving outstanding stop notices. (City Attorney)

07/19/10; RECEIVED AND ASSIGNED to Rules Committee.

100959 [Settlement of Lawsuit - Carlos Garcia - $2,400,000]

Ordinance authorizing settlement of the lawsuit filed by Carlos Garcia against the City and County of San Francisco for $2,400,000; the lawsuit was filed on December 5, 2005, in San Francisco Superior Court, Case No. CGC-05-447342; entitled Carlos Garcia, et al. v. City and County of San Francisco, et al. (City Attorney)

07/19/10; RECEIVED AND ASSIGNED to Rules Committee.

100960 [Settelment of Lawsuit - CCSF v. Underground Construction Co., et al. - City to Receive $29,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Underground Construction Co., et al. by accepting the payment of $29,000 to the City and County of San Francisco; $23,200 from Underground Construction Co. and $5,800 from State Farm; the lawsuit was filed on February 24, 2009, in San Francisco Superior Court, Case No. CGC-09-485059; entitled City and County of San Francisco, et al., v. Underground Construction Co., et al. (City Attorney)

07/19/10; RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 9:50 p.m.

*REVISED

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, August 3, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

AUG - 6 2010

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of June 29, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

100923 [Accept and Expend Grant - Department of Public Library - $80,000]

Sponsor: Chu

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $80,000 from the California State Library as part of the Federal Library Services and Technology Act for the Out-of-School-Time Online Homework Help Program.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

100693 [Mission Bay North-Block N1 Public Infrastructure Improvements]

Ordinance accepting of the irrevocable offer of additional property along Townsend Street, King Street, and Fourth Street and the irrevocable offer of public infrastructure improvements associated with Mission Bay North Block N1, including acquisition facilities on Third Street, Townsend Street, King Street, and Fourth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; designating street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,676; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

100852 [Mission Bay South - Park P17 Improvements]

Ordinance dedicating a portion of State Trust Parcel 5, known as Park P17, lying along Mission Bay Boulevard North, Mission Bay Boulevard South and Terry A. Francois Boulevard for public use and naming the new park "Commons Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,716 and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

100853 [Mission Bay South - Park P18 Improvements]

Ordinance dedicating a portion of State Trust Parcel 5, known as Park P18, lying along Terry A. Francois Boulevard between Mission Bay Boulevard North and China Basin Street for public use and naming the new park "Bayfront Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,715 and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

100883 [Agreement Regarding the Exchange of Fire Station No. 1 Located at 676 Howard Street and Portions of Hunt Street for 935 Folsom Street and a Replacement Fire Station]

Sponsor: Mayor

Ordinance authorizing the Director of Property to execute a conditional land disposition and acquisition agreement with the San Francisco Museum of Modern Art and its affiliate (collectively, Museum) for the proposed future conveyance by the City and County of San Francisco (City) to Museum of real property located at 676 Howard Street, San Francisco (Fire Station No. 1) and all of that portion of Hunt Street within Block No. 3722, collectively, in exchange for conveyance by Museum to City of a parcel of real property located at 935 Folsom Street, a new fire station to be constructed by or on behalf of Museum on such parcel, and an easement for parking purposes adjacent to such parcel; exempting from the competitive bidding and contract requirements of Chapter 6 of City's Administrative Code all contracts to be entered into by Museum for the design and construction of the new fire station and the improvement of such parcel and parking easement; and making findings, including findings of consistency with the General Plan and Planning Code Section 101.1(b).

FINALLY PASSED

100639 [Permits for Commercial Parking Garages and Lots]

Sponsor: Alioto-Pier

Ordinance amending sections of the San Francisco Police Code, Business and Tax Regulations Code and Fire Code to: (1) transfer responsibility for parking garage and parking lot permits from the Fire Department to the Police Department; (2) require a commercial parking permit to operate a garage or lot where members of the public can park for a charge; set fees; establish permit issuance, suspension and revocation procedures; establish requirements for permit holders and individuals working at parking garages and lots; and (3) limit the term of a commercial parking permit to one year and require annual application for a commercial parking permit.

FINALLY PASSED

100467 [Zoning Map Amendment for One Capitol Avenue]

Sponsor: Avalos

Ordinance amending Section Maps ZN12 of the Zoning Maps of the City and County of San Francisco for the real property at One Capitol Avenue (Assessor's Block No. 7148/Lot No. 040), to reclassify the property from a P (Public) Zoning District to an RH-1 (Residential, House, One-Family) Zoning District; and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Department)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Mirkarimi requested that File Nos. 100669 and 100670 be severed so that they may be considered separately.

100669 [Lease of Real Property – Parcel L (Portion of Assessor's Block No. 0817, Lot No. 33)]

Sponsors: Mayor; Mirkarimi

Resolution approving the lease of City property located at the northeast corner of Octavia Boulevard and Fell Street and commonly known as Parcel L (portion of Assessor's Block No. 0817, Lot No. 33) to PROXYDevelopment, LLC, for four years at a monthly base rent of $2,000 per month.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100670 [Sublease of Real Property - Parcel K (Portion of Assessor's Block No. 0817, Lot No. 30)]

Sponsors: Mayor; Mirkarimi

Resolution approving the sublease of property located at the southeast corner of Octavia Boulevard and Hayes Street and commonly known as Parcel K (portion of Assessor's Block No. 0817, Lot No. 30) to PROXY Development, LLC, for three years at a monthly base rent of $5,000 per month.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Land Use and Economic Development Committee Without Recommendation

100658 [Bayview Hunters Point Redevelopment Project Area]

Sponsors: Mayor; Maxwell

Ordinance approving and adopting an amendment to the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project Area; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1.

Ordinance No. 210-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100659 [Hunters Point Shipyard Redevelopment Project Area]

Sponsors: Mayor; Maxwell

Ordinance approving and adopting an amendment to the Redevelopment Plan for the Hunters Point Shipyard Redevelopment Project Area; approving and authorizing an Interagency Cooperation Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, in furtherance of the adoption and implementation of the Redevelopment Plan Amendment; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to California Community Redevelopment Law, including findings pursuant to Sections 33445 and 33445.1.

Ordinance No. 211-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100574 [General Plan Amendments - Candlestick Point Activity Node and Hunters Point Shipyard Phase 2 Project]

Sponsors: Mayor; Maxwell

Ordinance amending the San Francisco General Plan by amending the Bayview Hunters Point Area Plan, the Transportation Element, the Recreation and Open Space Element, the Commerce and Industry Element, maps and figures in various Elements, and the Land Use Index, and by adopting and adding the Candlestick Point Subarea Plan and the Hunters Point Area Plan, in order to facilitate the development of the Hunters Point Shipyard and Candlestick Point, as envisioned in the Hunters Point Shipyard Redevelopment Plan, the Bayview Hunters Point Redevelopment Plan, and the Conceptual Framework for integrated development of the Hunters Point Shipyard and Candlestick Point endorsed by the Board of Supervisors and the Mayor in May 2007 and approved by the voters in 2008 through passage of Proposition G, the Jobs, Parks and Housing Initiative; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Ordinance No. 203-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100575 [Hunters Point Shipyard - Health Code Amendment]

Sponsors: Mayor; Maxwell

Ordinance amending Article 31 of the Health Code to extend, to the entire Hunters Point Shipyard area, the special permit processing requirements that now apply to Hunters Point Shipyard Parcel A to address potential residual contamination, and imposing fees to administer this Article; amending Sections 804 and 1227 of the Health Code to make conforming amendments; and making environmental findings.

Ordinance No. 204-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100576 [Hunters Point Shipyard - Public Works Code Amendment]

Sponsors: Mayor; Maxwell

Ordinance amending the Public Works Code to amend Section 2.3.1 to extend, to the entire Hunters Point Shipyard area, the special permit processing requirements that now apply at Hunters Point Shipyard Parcel A to address potential residual contamination and making environmental findings.

Ordinance No. 205-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100577 [Hunters Point Shipyard - Building Code Amendment]

Sponsors: Mayor; Maxwell

Ordinance amending the Building Code to amend Section 106A.3.2.5 to extend, to the entire Hunters Point Shipyard area, the special permit processing requirements that now apply at Hunters Point Shipyard Parcel A to address potential residual contamination and making environmental findings.

Ordinance No. 206-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100578 [Zoning Map Amendments - Candlestick Point Activity Node and Hunters Point Shipyard Phase 2 Project]

Sponsors: Mayor; Maxwell

Ordinance amending the San Francisco Planning Code by amending Sectional Maps SU09 and SU010 of the Zoning Map of the City and County of San Francisco to establish the Candlestick Point Activity Node Special Use District and the Hunters Point Shipyard Phase 2 Special Use District; amending Sectional Maps HT09 and HT010 to establish the CP Height and Bulk District and the HP Height and Bulk District; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; providing for an operative date.

Ordinance No. 207-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100579 [Zoning - Establishment of the Candlestick Point Activity Node Special Use District, the Hunters Point Shipyard Phase 2 Special Use District, and Special Height and Bulk Provisions for the Special Use Districts]

Sponsors: Mayor; Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 249.50 to establish the Candlestick Point Activity Node Special Use District; adding Section 249.51 to establish the Hunters Point Shipyard Phase 2 Special Use District; adding Section 263.24 to establish Special Height Provisions for the Candlestick Point Activity Node Special Use District and the CP Height and Bulk District; adding Section 263.25 to establish Special Height Provisions for the Hunters Point Shipyard Phase 2 Special Use District and the HP Height and Bulk District; and amending Table 270, to provide that the Table is not applicable to the Candlestick Point Activity Node Special Use District and the Hunters Point Shipyard Phase 2 Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1; providing for an operative date.

Ordinance No. 208-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100661 [Subdivision Code - Candlestick Point and Hunters Point Shipyard]

Sponsors: Mayor; Maxwell

Ordinance amending the Hunters Point Shipyard Subdivision Code to rename the Code's Division 3 title and make various amendments pertaining to the subdivision process in Phase 2 of the Hunters Point Shipyard Redevelopment Plan and Zone 1 of the Bayview Hunters Point Redevelopment Project Area, including the establishment of a procedure for reviewing and filing vesting tentative transfer maps; and making environmental findings.

Ordinance No. 209-10

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendation of the City Operations and Neighborhood Services Committee

100751 [Implementation of Assembly Bill 1421 - Assisted Outpatient Treatment, "Laura's Law"]

Sponsor: Alioto-Pier

Resolution authorizing the implementation of assisted outpatient treatment in the City and County of San Francisco, requesting the Controller conduct an analysis of mental health funding levels. (Supervisor Avalos dissented in committee.)

Privilege of the floor was granted to Dr. Mitch Katz, Director, Department of Public Health, who responded to questions raised throughout the discussion regarding File No. 100751.

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Resolution be RE-REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Public Safety Committee

100054 [Workforce Development - Public Service Academies]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Sections 30.30 through 30.35, to establish public safety and public health training programs for San Francisco Unified School District high school students.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100674 [Expanding the Entertainment Commission's Power to Revoke Permits]

Sponsor: Chiu

Ordinance amending Sections 1060.20.4 and 1070.20 of the San Francisco Police Code to expand the grounds for revocation of place of entertainment permits, extended-hours premises permits, and one time event permits to include: (1) public safety considerations, where operation of the permit poses a substantial risk of physical harm or injury to individuals, and (2) where the permittee's persistent action or inaction causes serious and continuing problems that amount to a public nuisance.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100694 [Contract Amendment to the Fuel Contract - Not to Exceed $50,000,000]

Resolution approving the Third Amendment to the Agreement between the City and Western States Oil (Contractor) increasing the total not to exceed amount of the contract from $25,000,000 to $50,000,000 and extending the term for one year, pursuant to Charter Section 9.118(b). (Office of Contract Administration)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100925 [Contract with the San Francisco Community Health Authority to Provide Provider Payment Services for the Healthy San Francisco Program]

Sponsor: Mayor

Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to contract with the San Francisco Community Health Authority to provide Provider Payment services for the Healthy San Francisco program for the term of July 1, 2010, through June 30, 2011.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100926 [Authorizing Expenditures from SOMA Community Stabilization Fund - $2,762,000]

Sponsor: Mayor

Resolution authorizing the Mayor's Office of Housing to expend SOMA Community Stabilization Fund dollars under certain conditions in the amount of $2,762,000 to subsidize the development of onsite affordable rental housing units at 333 Harrison Street.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100928 [Accept and Expend Grant - Department of Public Works - $417,339]

Sponsors: Mayor; Dufty

Resolution authorizing the Department of Public Works to apply for, accept and expend $417,339 in Federal American Recovery and Reinvestment Act of 2009 Transportation Enhancement funds for the Corbin Place Stair Replacement Project.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100929 [Approval of Amendment Agreement with the Tides Center - $10,570,840]

Sponsor: Mayor

Resolution retroactively approving amendment to agreement with the Tides Center to provide property management services at the Direct Access to Housing sites to extend the contract term by three years and increase the contract amount by $10,570,840.
(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED by reducing the not to exceed amount by $300,743. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100967 [Intention to Renew the 2500 Block of Mission Street Business Improvement District - Mission Miracle Mile Business Improvement District]

Sponsor: Campos

Resolution declaring the intention of the Board of Supervisors to renew the property-based 2500 Block of Mission Street business improvement district, to be known as the "Mission Miracle Mile Business Improvement District" and to levy a multi-year assessment on identified parcels in the district; approving the management district plan and engineer's report and proposed boundaries map for the district; ordering and setting a time and place for a public hearing thereon; approving the form of the Notice of Public Hearing and Assessment Ballots; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

100641 [Expend Grant - California Department of Toxic Substances Control and Amendment to the Annual Salary Ordinance, FY2010-2011 - $74,500]

Sponsor: Chu

Ordinance authorizing the Department of the Environment to expend a grant in the amount of $74,500 from the California Department of Toxic Substances Control to coordinate the Green Business tracking and measurement tool and amending Ordinance No. 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

Supervisor Chu, seconded by Supervisor Mar, moved that this Ordinance be AMENDED on Page 1, Line 7, by replacing '183-09' to '191-10'; and on Page 3, Line 3, by replacing '183-09' to '191-10.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

100943 [Board of Supervisors Response to the 2009-2010 Civil Grand Jury Report Entitled "Americans With Disabilities Act: Is San Francisco In Compliance?"]

Sponsors: Alioto-Pier; Mar

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2009-2010 Civil Grand Jury Report entitled "Americans With Disabilities Act: Is San Francisco In Compliance?"

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100939 [Budget and Legislative Analyst Review of Aging in Place Practices and Resources]

Sponsor: Mar

Motion directing the Budget and Legislative Analyst to conduct a review of practices and resources that might enable aging adults in the City and County of San Francisco to live in their homes and communities independently. Specific areas of review may include: (1) determining the approximate number of seniors on affordable housing and public housing waitlists in San Francisco; (2) collecting and summarizing demographic information about seniors in San Francisco; (3) reviewing independent living programs and models including shared housing programs, cross-generational aging in place programs, volunteer health advocacy programs, and the non-profit retirement villages model; and (4) providing legislative recommendations for incentives that encourage property owners to make residential upgrades that increase accessibility and safety.

Motion No. M10-124

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Government Audit and Oversight Committee Without Recommendation

100508 [Directing the Budget and Legislative Analyst to Audit the Department of Children, Youth and Their Families]

Sponsor: Alioto-Pier

Motion directing the Budget and Legislative Analyst to audit the Department of Children, Youth and Their Families in their oversight of early childhood care and education programs.

Motion No. M10-125

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

100833 [Approving Street Encroachment at Lake Merced Boulevard and Higuera Avenue]

Resolution granting revocable permission to Park Merced Investors Properties, LLC, to occupy a portion of the public right-of-way for the installation and maintenance of a neighborhood sign (4' high x 36' wide x 32" deep) at the corner of Lake Merced Boulevard and Higuera Avenue in the median island (Block No. 0807, Lot No. 012), conditioned upon the payment of an annual assessment fee. (Public Works Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100901 [California Environmental Quality Act Findings for Water System Improvement Program Habitat Mitigation Actions]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation and monitoring reporting program and a statement of overriding considerations, related to full implementation of Habitat Mitigation Actions at two sites in Alameda County for the San Francisco Public Utilities Commission Sunol Valley Water Treatment Plant Expansion and Treated Water Reservoir project [CUW38101] and other Water System Improvement Program projects, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100903 [Committee of the Whole - Public Hearing on Special Assessment of Liens for Assessment of Cost]

Hearing of persons interested in or objecting to proposed Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, Section 108A, and Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection, for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the report of delinquent charges for code enforcement cases referenced in File No. 100904. Alan Davison and Rosemary Bosque (Department of Building Inspection) provided an overview and responded to questions raised throughout the discussion. Rose Tsaz; Phillip Dale; Female Speaker; spoke in opposition to the processing of notifications. Steve Curry spoke in support of assessments. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100904 [Special Assessment of Liens for Assessment of Cost]

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, Section 108A, and Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection, for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above.

Alan Davison (Department of Building Inspection) provided an amendment to the Assessment Report.

ADOPTED, after accepting the amendment to the accompanying report. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

Recommendation from the Public Safety Committee

100879 [Increasing Penalties for Certain Crimes Committed on Municipal Transportation Agency Vehicles, Platforms or in Bus Zones]

Sponsors: Chu; Chiu, Mar, Maxwell, Dufty and Mirkarimi

Ordinance amending the San Francisco Police Code by amending Article 2, Section 123, and Article 17, Section 1291, to increase from $500 to $1,000 the maximum allowable fine for the crimes of aggressive pursuit and of loitering while carrying a concealed weapon, where the violation occurs on vehicles, platforms, or bus zones of the Municipal Transportation Agency.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

Recommendation from the Land Use and Economic Development Committee

101010 [Accept and Expend Grant - American Recovery and Re-Investment Act and Amendment to the Annual Salary Ordinance, FY2010-2011 - $1,670,000]

Sponsor: Mayor

Ordinance to retroactively accept and expect a grant in the amount of $1,670,000 from the U.S. Department of Energy through the County of Los Angeles and the Association of Bay Area Governments, and amending the Annual Salary Ordinance FY2010-2011 to reflect the addition of three positions in the Department of the Environment.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Daly, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Katy King in recognition of her 100th birthday and for her accomplishments, continued community support, and designating August 6, 2010, as Katy King Day.

Supervisor Daly introduced, welcomed, and presented a Certificate of Honor to Jazzie Collins of the SoMa Stabilization Fund Citizen Advisory Committee in recognition of her five years of dedicated service as the first Chair of Fund and for her continued community support.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Matt Reno and Paula Egan of the Aim High Program in recognition of the program's accomplishments and continued community support.

ROLL CALL FOR INTRODUCTIONS

See Legislation Intorduced below.

Privilege of the floor was granted to Chris Punongbayan and Donna Levitt who shared in the loss of Joannie Chang.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Marcello Muniz; expressed concerns relating to immigration reform.
Ray Hartz; expressed concerns relating to open government.
Walter Paulson; shared in song certain concerns with the Board.
John DiDonna; shared in poem certain concerns with the Board.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101018 [Accept and Expend Grant - Ghana MARPS Size Estimation - $28,465]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $28,465 from the University of California San Francisco (UCSF), to participate in a program entitled "Ghana MARPS Size Estimation" for the period of April 1, 2010, through March 31, 2011.

ADOPTED

101019 [Accept and Expend Grant - OCTAVE Capacity Building Workshop Series - $47,022]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $47,022 from the Public Health Foundation Enterprises, Inc. (PHFE), to participate in a program entitled "OCTAVE-Capacity Building Workshop Series" for the period of July 1, 2010, through December 31, 2011.

ADOPTED

101020 [Accept and Expend Grant - Viral Load Study - $25,318]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $25,318 from the Public Health Foundation Enterprises, Inc. (PHFE), to participate in a program entitled "Viral Load Study" for the period of April 1, 2010, through March 31, 2011.

ADOPTED

101021 [Accept and Expend Grant - Special Work Assignment UNICEF - $30,965]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $30,965 from the United Nations Childrens Fund to support a project that will further understanding of the prevention of mother-to-child transmission of HIV for the period of June 18, 2010, through October 1, 2010.

ADOPTED

101022 [Accept and Expend Grant - Recycling and Lunchroom Composting Programs - $18,000]

Sponsor: Mar

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $18,000 from Altamont Education Advisory Board to expand recycling and lunchroom composting programs at schools in San Francisco.

ADOPTED

101023 [Accept and Expend Grant - GreenStacks Environmental Outreach Collaboration - $12,000]

Sponsor: Mar

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $12,000 from Altamont Education Advisory Board to support GreenStacks an environmental outreach collaboration between the Department of the Environment and the San Francisco Public Libraries.

ADOPTED

*101024 [Property Assessed Clean Energy Programs]

Sponsors: Mayor; Mar and Dufty

Resolution supporting Property Assessed Clean Energy programs and requesting San Francisco's Congressional representatives to work with the Federal Housing Finance agency to establish standardized underwriting criteria and safeguards to allow for the continuation of Property Assessed Clean Energy programs.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File Nos. 100961 and 101012 be severed so that they may be considered separately.

100961 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the November 2, 2010, Election]

Motion authorizing preparation of written proponent and opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 2, 2010, Election. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mar, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Mar, moved that this Motion be AMENDED on Page 5, Line 9, deleting 'Mar.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion No. M10-126

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101012 [Approving the Fare Schedule for Golden Gate Pedicab]

Sponsor: Chiu

Resolution approving the fare schedule for Golden Gate Pedicab.

Supervisor Chiu, seconded by Supervisor Daly, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier requested that File Nos. 101017 be severed so that it may be considered separately.

101017 [Supporting the Golden State Warriors Return to San Francisco]

Sponsors: Alioto-Pier; Elsbernd, Dufty, Maxwell, Mirkarimi, Chiu, Chu and Mar

Resolution supporting the Golden Gate Warriors return to San Francisco.

Supervisors Chu and Mar requested to be added as co-sponsors.

Supervisor Alioto-Pier, seconded by Supervisor Campos, AMENDED on Page 1, Line 1, replacing 'Gate' with 'State'; and on Line 3, replacing 'Gate' with 'State.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution supporting the Golden State Warriors return to San Francisco.

ADOPTED AS AMENDED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101050 [Commendation - American Bar Association]

Sponsors: Alioto-Pier; Dufty, Chiu, Mirkarimi and Maxwell

Resolution commending the American Bar Association on the occasion ot its 2010 Annual Meeting in San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to commending the Bar Association as referenced in File No. 101050. There were no speakers. The President declared public comment closed.

Supervisors Dufty, Chiu, Mirkarimi, and Maxwell requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101049 [Commending Katie King]

Sponsor: Maxwell

Resolution commending Katie King on her 100th Birthday and declaring August 6, 2010, "Katie King Day" in San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to commending Katy King as referenced in File No. 101049. There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

101002 [Airport Concession Lease with Host International, Inc.]

Resolution approving the Terminal 2 Newsstands, Coffee and Specialty Stores Lease between Host International, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

07/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101003 [Settlement of Grievance - Bruce Dunlap - $57,500]

Resolution authorizing the settlement of the grievances (ERD No. 45-09-1973 and ERD No. 45-09-1964) filed by International Federation of Professional and Technical Engineers, Local 21 (Union) on behalf of Grievant, Bruce Dunlap, against the City and County of San Francisco for $57,500. (City Attorney)

07/26/10; RECEIVED AND ASSIGNED to Rules Committee.

101004 [Lease and License of Real Property at 1 Dr. Carlton B. Goodlett Place, Ground Floor Café and North Light Court]

Resolution authorizing the lease of 1,426 square feet of space, a license of 2,400 square feet and the shared use space of 1,360 square feet to the Elias M. Nasra & Family Partnership, a California general partnership, in City Hall located at 1 Dr. Carlton B. Goodlett Place. (Real Estate Department)

07/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:10 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, August 10, 2010 - 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

AUG 13 2010

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, Supervisor Avalos was noted absent. There was a quorum.

Supervisor Avalos Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that Supervisor Avalos be excused from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100968 [Accept and Expend Grant - Recreation and Park Department - Mission Dolores Park - $1,500,000]

Sponsor: Dufty

Resolution accepting and expending a gift, valued not less than $1,500,000 from the Friends of Dolores Park Playground and the Mercer Fund to the Recreation and Park Department for the renovation of the children's playground at Mission Dolores Park.

ADOPTED

100969 [Approval of the Issuance of Tax-Exempt Revenue Obligations - Brandeis Hillel Day School - Not to Exceed $11,500,000]

Sponsor: Elsbernd

Resolution approving the issuance of tax-exempt revenue obligations by the California Enterprise Development Authority in an aggregate principal amount not to exceed $11,500,000 among other things, to refinance various capital facilities owned by Brandeis Hillel Day School and to determine other matters related thereto.

ADOPTED

100970 [Approving the Issuance of Tax-Exempt Revenue Obligations - The Urban School of San Francisco - Not to Exceed $8,000,000]

Sponsor: Mirkarimi

Resolution approving the issuance of tax-exempt revenue obligations by the California Enterprise Development Authority in an aggregate principal amount not to exceed $8,000,000 among other things, to refinance various capital facilities owned by The Urban School of San Francisco and to determine other matters related thereto.

ADOPTED

101013 [Accept and Expend Grant - The STOP Study - $166,666]

Sponsors: Dufty; Campos

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Centers for Disease Control and Prevention in the amount of $166,666 to fund the STOP Study for the period June 15, 2010, through June 14, 2011.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

101014 [Accept and Expend Grant - San Francisco Pedestrian Safety Project - $200,000]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant from the California Office of Traffic Safety in the amount of $200,000 to fund the San Francisco Pedestrian Safety Project for the period of October 1, 2010, through September 30, 2011.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

101010 [Accept and Expend Grant - American Recovery and Re-Investment Act and Amendment to the Annual Salary Ordinance, FY2010-2011 - $1,670,000]

Sponsor: Mayor

Ordinance to retroactively accept and expect a grant in the amount of $1,670,000 from the U.S. Department of Energy through the County of Los Angeles and the Association of Bay Area Governments, and amending the Annual Salary Ordinance FY2010-2011 to reflect the addition of three positions in the Department of the Environment.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbemd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

100641 [Expend Grant - California Department of Toxic Substances Control and Amendment to the Annual Salary Ordinance, FY2010-2011 - $74,500]

Sponsor: Chu

Ordinance authorizing the Department of the Environment to expend a grant in the amount of $74,500 from the California Department of Toxic Substances Control to coordinate the Green Business tracking and measurement tool and amending Ordinance No. 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

Recommendation of the Public Safety Committee

100879 [Increasing Penalties for Certain Crimes Committed on Municipal Transportation Agency Vehicles, Platforms or in Bus Zones]

Sponsors: Chu; Chiu, Mar, Maxwell, Dufty and Mirkarimi

Ordinance amending the San Francisco Police Code by consolidating Sections 122 and 123 and amending former Section 123 and Section 1291, to increase from $500 to $1,000 the maximum allowable fine for the crimes of aggressive pursuit and of loitering while carrying a concealed weapon, where the violation occurs on vehicles, platforms or bus zones of the Municipal Transportation Agency, and urging "non-custodial" dispositions for juvenile violators.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Avalos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100919 [Authorizing the Sheriff's Department to Amend its Contract with ARAMARK Correctional Services, LLC for Jail Food Services - Not to Exceed $30,500,000]

Resolution authorizing the Sheriff's Department to retroactively enter into a Third Amendment to the Agreement between the City and County of San Francisco and ARAMARK Correctional Services, LLC, to increase the contract amount from $22,885,229 to an amount not to exceed $30,500,000 and to extend the contract term to June 30, 2012. (Sheriff)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100924 [Loan from the Metropolitan Transportation Commission to Expand the Scope of the SFpark Pilot Projects - $22,000,000]

Sponsor: Mirkarimi

Resolution approving a loan agreement between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and the Metropolitan Transportation Commission for $22,000,000 of Congestion Mitigation and Air Quality Improvement funding to be repaid by the San Francisco Municipal Transportation Agency over a five year period with parking-related revenues.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100930 [Expend Grant - Adopting California Environmental Quality Act Findings and Authorizing Grant Expenditure for Cesar Chavez Sewer System Improvement Project - $477,900]

Sponsor: Mayor

Resolution adopting findings under the California Environmental Quality Act, CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program, related to the funding of Project No. CENMSCIC11, Cesar Chavez Sewer System Improvement, directing the Clerk of the Board of Supervisors to notify the Controller of this action, and authorizing the San Francisco Public Utilities Commission to expend a grant in the amount of $477,900 from the U.S. Environmental Protection Agency through the Department of the Interior, Environment, and Related Agencies Appropriation Act of 2006.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100964 [Approval of Contract and Accept and Expend Grant - Fire and Emergency Medical Services to the Presidio Trust]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Fire Department to enter into a ten year agreement with the Presidio Trust to provide fire and emergency medical services to portions of the Presidio under the Trust's jurisdiction, with the Trust reimbursing the Fire Department for those services and to accept and expend funds provided to the Fire Department by the Trust as reimbursement for services provided under that agreement.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100965 [Approval of Contract and Accept and Expend Grant - Fire and Emergency Medical Services to National Park Service Managed Areas]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Fire Department to enter into a ten year agreement with the National Park Service to provide fire and emergency medical services to National Park Service managed areas within San Francisco, with National Park Service reimbursing the Fire Department for those services, and to accept and expend funds provided to the Fire Department by the National Park Service as reimbursement for services provided under that agreement.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100966 [Approving the Hiring of Displaced Federal Firefighters]

Sponsor: Alioto-Pier

Resolution approving the hiring of permanent career civilian federal firefighters displaced by the closure of the National Park Service Fire Station in the Presidio, pursuant to the authority granted by California Government Code Section 53270.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

Recommendations of the Land Use and Economic Development Committee

100434 [Castro Street Neighborhood Commercial District - Conditional Use Requirements for Restaurants and Self-Service Specialty Food Establishments]

Sponsor: Dufty

Ordinance amending the San Francisco Planning Code by amending Section 715.1 and Sections 715.42, 715.43, 715.44, and 715.69A of the Zoning Control Table to allow new full-service and small self-service restaurants with a conditional use authorization, to permit self-service specialty food establishments as of right, and to prohibit all large fast food establishments; adopting findings, including environmental findings; amending Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

101015 [Sewer Line Relocation Agreement with San Francisco State University]

Sponsor: Elsbernd

Resolution approving and authorizing the Sewer Line Relocation Agreement between the San Francisco Public Utilities Commission, on behalf of the City and County of San Francisco, and San Francisco State University to relocate an existing sanitary sewer and storm drain easement on Assessor's Block No. 7304-001 (part of the University campus) and portions of Font Boulevard and Lake Merced Boulevard in San Francisco; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Relocation Agreement is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Presidio Knolls Preschool in recognition of their thriving mandarin immersion pre-school in the Cow Hollow area.

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to LaVaughn Kellum King in recognition of her accomplishments on the Mental Health Board and continued community support.

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Dave Dinslage of the Recreation and Park Department in recognition of his 38 years of service upon his retirement. Anita Ayala, Lollita Chow, and Male Speaker shared in his commendation.

COMMITTEE REPORTS

Recommendations of the Rules Committee

100954 [Settlement of Lawsuit - Ricardo Rodriguez - $30,000]

Ordinance authorizing settlement of the lawsuit filed by Ricardo Rodriguez against the City and County of San Francisco for $30,000; the lawsuit was filed on February 19, 2009, in Superior, Case No. CGC09-485133; entitled Ricardo Rodriguez v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100955 [Settlement of Lawsuit - Stanislaus Imports - $245,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Stanislaus Imports against the City and County of San Francisco for $245,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100956 [Settlement of Lawsuit - Monte & Joanne Stott and Stott & Associates, Inc. - $32,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Monte & Joanne Stott and Stott & Associates, Inc. against the City and County of San Francisco for $32,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100957 [Settlement of Lawsuit - Yannick Constant - $32,500]

Ordinance authorizing settlement of the lawsuit filed by Yannick Constant against the City and County of San Francisco for $32,500; the lawsuit was filed on April 21, 2008, in San Francisco Superior Court, Case No. 474485; entitled Yannick Constant v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100958 [Settlement of Lawsuit - Icenogle IMR Joint Venture - $1,330,000]

Ordinance authorizing settlement of the lawsuit filed by Icenogle IMR Joint Venture against the City and County of San Francisco for $1,330,000; the lawsuit was filed on September 24, 2007, in San Francisco County Superior Court, and subsequently transferred to Alameda County Superior Court, Case No. RG08391219; entitled Icenogle IMR Joint Venture v. City and County of San Francisco, et al.; other material terms of said settlement are: (1) mutual releases except for latent defects, (2) dismissal of all complaints and cross-complaints with prejudice, (3) each side to bear its own attorneys fees and costs, and (4) plaintiff to be responsible for resolving outstanding stop notices. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100960 [Settlement of Lawsuit - CCSF v. Underground Construction Co., et al. - City to Receive $29,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Underground Construction Co., et al. by accepting the payment of $29,000 to the City and County of San Francisco; $23,200 from Underground Construction Co. and $5,800 from State Farm; the lawsuit was filed on February 24, 2009, in San Francisco Superior Court, Case No. CGC-09-485059; entitled City and County of San Francisco, et al., v. Underground Construction Co., et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100994 [Appointment, Municipal Transportation Agency Board of Directors - Cheryl Brinkman]

Resolution confirming the appointment of Cheryl Brinkman to the Municipal Transportation Agency Board of Directors, for the term ending March 1, 2014. (Mayor)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100996 [Reappointment, Board of Appeals - Michael Garcia]

Motion approving the Mayor's reappointment of Michael Garcia to the Board of Appeals, for the term ending July 1, 2014. (Clerk of the Board)
(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 7/13/10.)

Motion No. M10-127

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100998 [Reappointment, Entertainment Commission - John Newlin]

Motion approving the Mayor's nomination for reappointment of John Newlin to the Entertainment Commission, for the term ending July 1, 2014. (Clerk of the Board)
(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 7/20/10.)

Motion No. M10-128

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

Recommendations of the City Operations and Neighborhood Services Committee

100155 [Liquor License Transfer - 612 Kearny Street]

Resolution determining that the transfer of a Type 21 Off-Sale General Liquor License from 605 Kearny Street to 612 Kearny Street (District 3) to David C. Huang for David's Food Store will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100914 [Liquor License Transfer - 690 Stanyan Street]

Resolution determining that the transfer of a Type 20 Off-Sale Beer and Wine Liquor License from 880 Harrison Street to 690 Stanyan Street (District 5) to Joseph N. Rogoff for Whole Foods Market California Inc., dba Whole Foods Market will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

101064 [Accept and Expend Gift - Recreation and Park Department Buena Vista Park - $164,760]

Sponsor: Dufty

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a gift-in-place valued at $164,760 from the San Francisco Conservation Corps to rehabilitate trails and retaining walls at Buena Vista Park.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

101074 [Accept and Expend Grant - Palace of Fine Arts Historical Landscape and Park Improvements - $500,000]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant administered by the California State Library California Cultural and Historical Endowment in the amount of $500,000 for the Palace of Fine Arts historical landscape and park improvement.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

Recommendations of the Land Use and Economic Development Committee

100971 [Accept and Expend Grant - Lowe's Local Hiring Agreement - $750,000]

Sponsor: Mayor

Resolution authorizing the Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $750,000 from Lowe's HIW, Inc., to plan and manage an employment program.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100972 [Accept and Expend Grant - Office of Economic and Workforce Development - Green Jobs - $400,000]

Sponsor: Mayor

Resolution authorizing the Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $400,000 from Wal-Mart Foundation to plan and manage an employment program.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100973 [Accept and Expend Grant - Office of Economic and Workforce Development - California's Low Income Energy Efficiency Program - $100,000]

Sponsors: Mayor; Maxwell

Resolution authorizing the Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $100,000 from the California Public Utilities Commission to support CityBuild's implementation of California's Low Income Energy Efficiency Program in San Francisco.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

100974 [Accept and Expend Grant - Office of Economic and Workforce Development - CityBuild Program - $200,000]

Sponsors: Mayor; Maxwell

Resolution authorizing the Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $200,000 from the Evelyn and Walter Haas, Jr., Fund to support the CityBuild Program.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

101011 [Accept and Expend Grant - Diesel Emissions Reduction Act - Pier 27 Shoreside Power - $1,000,000]

Sponsors: Alioto-Pier; Chiu

Resolution authorizing the San Francisco Port Commission to accept and expend a grant from the U.S. Environmental Protection Agency in the amount of $1,000,000 under the Diesel Emissions Reduction Act, to assist in the installation of a shoreside power facility for cruise ships at Pier 27.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisor Alioto-Pier was noted absent at 2:42 p.m., and was noted present at 2:56 p.m.
Supervisor Daly was noted absent at 2:46 p.m., and was noted present at 3:25 p.m.
Supervisor Mar was noted absent at 2:58 p.m., and was noted present at 3:07 p.m.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library and public comment.
Ernestine Weiss; expressed concerns relating to public advertising.
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.
Mattie Scott; expressed concerns relating to funding for The Health Circle.
Ray Hartz; expressed concerns relating to government.
Walter Paulson; shared in song certain concerns with the Board.
Jamie Whitaker; expressed concerns relating to bocce courts in Justin Herman Plaza.
Female Speaker; expressed concerns relating to funding for youth training.
Arletta Jackson; expressed concerns relating to foster care funding.
Tony Serta; expressed concerns relating to acknowledgement for Indigenous people of San Francisco.
Carla; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Luther Candelaria; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Desiree; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Lilly Wyatt; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Male Speaker; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Jeff Gonzalez; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Rose Estrata; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Sophie; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Ewen McClain; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Ann Marie Sayers; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Mary Jean Robertson; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Michelle Lee; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Richard Sandrell; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Male Speaker; expressed concerns relating to acknowledgement of Indigenous people of San Francisco.
Adelle Wilson; expressed concerns relating to public access.
Ace Washington; expressed concerns relating to acknowledgement of African-American people of San Francisco.
David Miles; expressed concerns relating to bocce courts in Justin Herman Plaza.
Mike Rocco; spoke regarding the City Hall Fellows project.
Catherine Howard; expressed concerns relating to public process.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101067 [Supporting Assembly Bill 2324 Regarding Public Transit Facilities]

Sponsors: Chu; Chiu and Mar

Resolution supporting Assembly Bill 2324 regarding Public Transit Facilities, making it a misdemeanor for any person to knowingly possess specified weapons at a public transit vehicle facility.

ADOPTED

101068 [Declaring August 18, 2010, as San Francisco HIV Health Services Planning Council Day]

Sponsors: Dufty; Campos

Resolution declaring August 18, 2010, as San Francisco HIV Health Services Planning Council Day in San Francisco.

ADOPTED

101076 [Apply For State Used Oil Payment Program]

Sponsor: Mayor

Resolution authorizing the Department of the Environment to apply for the annual Used Oil Payment Program from the California Department of Resources Recycling and Recovery for the purpose of increasing Used Motor Oil Recycling.

ADOPTED

101077 [Federal Emergency Operations Center Grant Administered by California Emergency Management Agency]

Sponsor: Mayor

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of the California, any applications or agreements and to take any actions necessary to obtain federal financial assistance through the federal Emergency Operations Center grant administered by the California Emergency Management Agency.

ADOPTED

101069 [Waiving Board Rule 4.29 of the Rules of Order to Schedule Public Hearing(s) on Appeal(s) at 2:30 p.m. instead of 4:00 p.m. at the September 7, 2010, Board Meeting]

Motion waiving Board Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that public hearing(s) on appeal(s) shall be scheduled at 2:30 p.m. rather than 4:00 p.m. at the September 7, 2010, Board meeting. (Clerk of the Board)

Motion No. M10-129

APPROVED

101078 [Final Map 3668 - 805 Rutland Street and 199 Leland Avenue]

Motion approving Final Map 3668, a Six Residential Unit and One Commercial Unit Mixed-Use Condominium Project, located at 805 Rutland Street and 199 Leland Avenue being a subdivision of Lot No. 016 in Assessors Block No. 6251 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-130

APPROVED

101080 [Final Map 5785 - 5800 Third Street]

Motion approving Final Map 5785, a Three Lot Subdivision, Lot 1 being a 142 Unit Mixed-Use Condominium Project and Lot 2 being a 102 Unit Residential Condominium Project, located at 5800 Third Street being a subdivision of Lot No. 001 in Assessors Block No. 5431A and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-131

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 101070 be severed so that it may be considered separately.

101070 [Gift Acceptance - Building Bocce Courts in Justin Herman Plaza - $61,000]

Sponsor: Chiu

Resolution authorizing the Recreation and Park Department to accept a gift of labor and construction materials with a value of $61,000 from the Laborers Local 261 Community and Training Foundation to build two bocce courts on the lawn in Justin Herman Plaza.

REFERRED to the Land Use and Economic Development Committee

Supervisor Maxwell requested that File No. 101081 be severed so that it may be considered separately.

101081 [Candlestick Point - Hunters Point Shipyard Phase II Development Project - Involvement of Ohlone and other Native American Peoples]

Sponsors: Maxwell; Mar and Campos

Resolution urging the City Planning Department and Redevelopment Agency to establish specific protocols for ongoing collaboration with representatives of the Ohlone Peoples and other Native American groups for the redevelopment of Candlestick Point and the Hunters Point Shipyard.

Supervisors Mar and Campos requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Avalos

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCE

101051 [Approval to Implement Alternative Bid Process for Construction Trade Packages for the Renovation and Construction of the George S. Moscone Convention Center]
Ordinance authorizing the San Francisco Department of Public Works to implement an alternative bid process for construction trade packages and to award contracts for construction services, for the renovation of and capital improvements to the Moscone Convention Center. (Public Works Department)

07/30/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 8/29/2010.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:53 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, September 14, 2010 - 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

SEP 17 2010

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of July 13, 2010, July 20, 2010, July 27, 2010, August 3, 2010, August 10, 2010, and Special Board of Supervisors Meetings of the Budget and Finance Committee of July 1, 2010, and July 9, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100900 [Approval of Amendment No. 1 of Lease, Use, and Operating Agreement for BART Station and Related Facilities and Grant Easement at San Francisco International Airport, Lease No. L97-0081]

Resolution approving and authorizing the execution of Amendment No. 1 to Lease, Use, and Operating Agreement for BART Station and Related Facilities and Grant of Easement at San Francisco International Airport, Lease No. L97-0081 to: (1) limit BART Premium Fare (surcharge) for non-airline airport employees for $1.50 each way for the remainder of the Lease; (2) remove BART Faithful Performance Deposit requirement; (3) permit monthly payment by BART of the annual rent in lieu of advance annual payment; (4) allow advertising by BART in the Airport-BART Station; and (5) include administrative updates to the Lease. (Airport Commission)
(Fiscal Impact.)

ADOPTED

101002 [Airport Concession Lease with Host International, Inc.]

Resolution approving the Terminal 2 Newsstands, Coffee, and Specialty Stores Lease between Host International, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

101109 [State Contract Funds for Substance Abuse Treatment - $60,402,780]

Sponsor: Mayor

Resolution retroactively authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (DPH-CBHS) to enter into a Combined Net Negotiated Amount and Drug Medi-Cal Agreement with the State of California Department of Alcohol and Drug Programs (DADP) for the term of July 1, 2010, through June 30, 2013, in the amount of $60,402,780 and for the term of July 1, 2010, through June 30, 2011, in the amount of $20,134,260 as a condition of receiving state funds and Drug Medi-Cal reimbursement for substance abuse treatment and prevention; holding DADP harmless from any and all claims resulting from the agreement; authorizing and designating the DPH County Alcohol and Drug Administrator to sign said Agreement and to approve amendments for less than 10% of the contracted amount.
(Fiscal Impact.)

ADOPTED

Recommendation of the Land Use and Economic Development Committee

100434 [Castro Street Neighborhood Commercial District - Conditional Use Requirements for Restaurants and Self-Service Specialty Food Establishments]

Sponsor: Dufty

Ordinance amending the San Francisco Planning Code by amending Section 715.1 and Sections 715.42, 715.43, 715.44, and 715.69A of the Zoning Control Table to allow new full-service and small self-service restaurants with a conditional use authorization, to permit self-service specialty food establishments as of right, and to prohibit all large fast food establishments; adopting findings, including environmental findings; amending Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

Recommendations of the Rules Committee

100954 [Settlement of Lawsuit - Ricardo Rodriguez - $30,000]

Ordinance authorizing settlement of the lawsuit filed by Ricardo Rodriguez against the City and County of San Francisco for $30,000; the lawsuit was filed on February 19, 2009, in San Francisco Superior Court, Case No. CGC09-485133; entitled Ricardo Rodriguez v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

100955 [Settlement of Lawsuit - Stanislaus Imports - $245,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Stanislaus Imports against the City and County of San Francisco for $245,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

100956 [Settlement of Lawsuit - Monte and Joanne Stott and Stott and Associates, Inc. - $32,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Monte and Joanne Stott and Stott and Associates, Inc. against the City and County of San Francisco for $32,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

100957 [Settlement of Lawsuit - Yanick Constant - $32,500]

Ordinance authorizing settlement of the lawsuit filed by Yanick Constant against the City and County of San Francisco for $32,500; the lawsuit was filed on April 21, 2008, in San Francisco Superior Court, Case No. 474485; entitled Yanick Constant v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

100958 [Settlement of Lawsuit - Icenogle IMR Joint Venture - $1,330,000]

Ordinance authorizing settlement of the lawsuit filed by Icenogle IMR Joint Venture against the City and County of San Francisco for $1,330,000; the lawsuit was filed on September 24, 2007, in San Francisco County Superior Court, and subsequently transferred to Alameda County Superior Court, Case No. RG08391219; entitled Icenogle IMR Joint Venture v. City and County of San Francisco, et al.; other material terms of said settlement are: (1) mutual releases except for latent defects, (2) dismissal of all complaints and cross-complaints with prejudice, (3) each side to bear its own attorneys fees and costs, and (4) plaintiff to be responsible for resolving outstanding stop notices. (City Attorney)

FINALLY PASSED

100960 [Settlement of Lawsuit - CCSF v. Underground Construction Co., et al. - City to Receive - $29,000]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Underground Construction Co., et al. by accepting the payment of $29,000 to the City and County of San Francisco; $23,200 from Underground Construction Co. and $5,800 from State Farm; the lawsuit was filed on February 24, 2009, in San Francisco Superior Court, Case No. CGC-09-485059; entitled City and County of San Francisco, et al., v. Underground Construction Co., et al. (City Attorney)

FINALLY PASSED

101000 [Appointment, Veteran Affairs Commission - Anthony Alfidi]

Motion appointing Anthony Alfidi, term ending January 31, 2012, to the Veterans Affairs Commission. (Clerk of the Board)

Motion No. M10-132

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Mar requested that File No. 101004 be severed so that it may be considered separately.

101004 [Lease and License of Real Property at 1 Dr. Carlton B. Goodlett Place, Ground Floor Café and North Light Court]

Resolution authorizing the lease of 1,426 square feet of space, a license of 2,400 square feet and the shared use space of 1,360 square feet to the Elias M. Nasra and Family Partnership, a California general partnership, in City Hall located at 1 Dr. Carlton B. Goodlett Place. (Real Estate Department)

Supervisor Mar, seconded by Supervisor Daly, moved that this Resolution be CONTINUED to September 21, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101063 [California Constitution Appropriations Limit FY2010-2011]

Sponsor: Avalos

Resolution establishing the appropriations limit for FY2010-2011 pursuant to California Constitution Article XIII B.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101059 [Setting San Francisco Community College District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]

Sponsor: Avalos

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the FY ending June 30, 2011.
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101058 [Setting San Francisco's Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2010-2011]

Sponsor: Avalos

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the FY ending June 30, 2011.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101060 [Setting San Francisco Unified School District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]

Sponsor: Avalos

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the FY ending June 30, 2011.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101061 [Setting San Francisco Bay Area Rapid Transit District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]

Sponsor: Avalos

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the FY ending June 30, 2011.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101102 [Accept and Expend Grant - 2010 Disaster Corps Grant and Amendment to the Annual Salary Ordinance FY2010-2011 - $231,000]

Sponsor: Mayor

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a grant in the amount of $231,000 from California Volunteers for the grant period of 18 months following passage of the FY2010-2011 California State Budget for volunteer management and training; amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one Class 5277 Planner I at the San Francisco Fire Department.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Committee Without Recommendation

Supervisor Alioto-Pier Excused from Voting

Supervisor Mar, seconded by Supervisor Campos, moved that Supervisor Alioto-Pier be excused from voting on File No. 100865. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100865 [Establishing an Alcohol Cost Recovery Fee]

Sponsors: Avalos; Mirkarimi, Maxwell, Mar and Daly

Ordinance amending the San Francisco Administrative Code, Chapter 106, by adding Sections 106 through 106.28, to impose a fee on alcoholic beverage wholesalers and certain other persons who distribute or sell alcoholic beverages in San Francisco to: 1) recover a portion of San Francisco's alcohol-attributable unreimbursed health costs, and; 2) fund administration costs.

Supervisors Daly and Campos requested to be added as a co-sponsor.

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be AMENDED to: (1) Amend Section 106.7(a) to clarify that where a wholesaler sells alcoholic beverages to a retailer at a location outside the City, and the retailer then resells those beverages at a location within the City, the retailer would be responsible for paying the fee in those circumstances unless it can demonstrate that the Wholesaler already paid the fee for those beverages; (2) Add a new subsection (a) to Section 106.16 that would authorize the Controller to adjust the fee annually to reflect changes in the Consumer Price Index; and (3) Amend Section 106.16 to provide that, pursuant to the Controller's biannual review of the fee, the Controller would be authorized to decrease the fee in order to ensure the City does not recover more than its eligible costs, but not increase the fee. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED to: (1) Add a new subsection (f) to Section 106.7 regarding quarterly exclusion up to $1,000; and (2) Add language to Section 106.10(b) to clarify that the Tax Collector shall promulgate rules to implement the quarterly exclusion. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee

100880 [Landmark Tree Designation of Redwood Tree Located at 46 Stillings Avenue]

Sponsors: Dufty; Daly

Ordinance designating the redwood tree (sequoia sempervirens) located at 46 Stillings Avenue (Assessor's Block No. 6734, Lot No. 023) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Supervisor Daly requested to be added as co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101005 [Exceptions to Seismic Safety Loan Program Requirements to Allow for a $15,000,000 Loan to Arlington Residence - 480 Ellis Street]

Sponsors: Chu; Alioto-Pier

Ordinance approving exceptions to requirements of the Seismic Safety Loan Program pursuant to San Francisco Administrative Code Sections 66 and 66A and the Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. 122-06, to allow for a $15,000,000 Seismic Safety Loan Program loan for an existing affordable housing project at the Arlington Residence, 480 Ellis Street, San Francisco, California.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100870 [Establishing an Area Plan Infrastructure Finance Committee]

Sponsor: Maxwell

Resolution establishing an Area Plan Infrastructure Finance Committee to supervise a consultant study to develop policy criteria and recommendations on the use of Infrastructure Finance Districts (IFDs) in newly adopted area plans, including within the Eastern Neighborhoods Area Plans, to determine the appropriate steps to form IFDs, and to supervise the formation of a pilot Infrastructure Finance District in Rincon Hill.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

100472 [Access Appeals Commission - Notice to the Mayor's Office of Disability]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Building Code by adding Section 105A.3.10 to require that an agenda and packet of materials for each matter to be decided by the Access Appeals Commission shall be sent to the Mayor's Office of Disability at the same time and in the same manner as they are sent to the Commission members.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

Supervisor Dufty, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

091408 [Approving Settlement of Unlitigated Claim Against the City by Comcast]

Sponsor: Mirkarimi

Resolution approving settlement of an unlitigated claim made by Comcast Cable Communications, LLC, against the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 2:30 P.M.

101027 [Public Hearing - Appeal of Final Environmental Impact Report for 935-965 Market Street (aka CityPlace)]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 8, 2010, Certification of a Final Environmental Impact Report identified as Planning Case No. 2005.1074E, through its Motion No. 18135, for a proposed retail shopping center (aka CityPlace) to demolish three existing mixed-use commercial and office buildings and construct a new five-story, approximately 90-foot tall building, containing approximately 375,700 gross square feet and approximately 188 off-street parking spaces in a two-story underground garage, with three levels below grade, one for retail use and the other two for parking, at 935-965 Market Street, between Fifth and Sixth Streets within the C-3-G (Downtown General Commercial) and C-3-G (Downtown Retail) Zoning Districts and a 120-X Height and Bulk District, Lot Nos. 071, 072, and 073, in Assessor's Block No. 3704. (District 6) (Appellant: Arthur D. Levy on behalf of Livable City and Walk San Francisco.)
(Filed July 28, 2010; Companion to File Nos. 101028, 101029, 101030.)

The President inquired as to whether any member of the public wished to address the Board. Arthur Levy, Tom Radulovich, and Vernice Chancey (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Andy Cohen; Mike Ellinger; Susan Chin; James Johnitis; Elizabeth Sams; Howard Wong; Walter Paulson; spoke in support of the appeal. There were no other speakers in support of the appeal. Debra Dwyer and Bill Wycko (Planning Department) provided details of the project and responded to questions raised throughout the discussion. Tim Abrahms (Project Sponsor) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Reynold Briens; Dan Conrad; Tim Brown; Joe Coppel; Don Falk; Eileen Ward; Jesse Ochoa; Linda Mjellem; Greg Holland; Stan Herzstein; Art Evans; Joe Landini; David Addington; Male Speaker; Bob Meyers; Elvin Padilla; Jesus Villalobos; Male Speaker; Manny Flores; spoke in support of the project and in opposition to the appeal. There were no other speakers in support of the project. Arthur Levy (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

Supervisor Alioto-Pier was noted absent at 5:20 p.m. for the remainder of the meeting.
Supervisor Elsbernd was noted absent at 6:20 p.m. for the remainder of the meeting.

HEARD AT PUBLIC HEARING

101028 [Affirming the Certification of the 935-965 Market Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 935-965 Market Street Project. (Clerk of the Board)

Motion No. M10-133

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

101029 [Reversing the Certification of the 935-965 Market Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 935-965 Market Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

101030 [Preparation of Findings to Reverse Certification of the 935-965 Market Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 935-965 Market Street Project. (Clerk of the Board)

Motion No. M10-134

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

SPECIAL ORDER 2:30 P.M.

101041 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Determination of Exemption from Environmental Review identified as Planning Case No. 2010.0306C, by its Motion No. 18131, which included the exemption determination, that a project located at 10 Bernal Heights Boulevard is exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines Sections 15301 Class (1), 15303 (Class 3), and 15311 (Class 11), to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park within an RH-1(D) (Residential, House, Single-Family, Detached) Zoning District and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Appellant: Erick Arguello on behalf of the Lower 24th Street Merchant Association.)
(Filed August 2, 2010; Companion Measure to File Nos. 101042, 101043, 101044.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to September 28, 2010. There were no speakers. The President continued the public hearing open to September 28, 2010.

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101042 [Affirming the Exemption Determination for 10 Bernal Heights Boulevard]

Motion affirming the determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101043 [Reversing the Exemption Determination Issued for 10 Bernal Heights Boulevard]

Motion reversing the determination by the Planning Commission that the 10 Bernal Heights Boulevard project is exempt from environmental review. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101044 [Preparation of Findings to Reverse the Exemption Determination for the 10 Bernal Heights Boulevard Project]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 2:30 P.M.

101045 [Public Hearing - Conditional Use Appeal for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Conditional Use Permit identified as Planning Case No. 2010.0306C, by its Motion No. 18131, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park and to modify the Conditional Use approval under Case No. 2008.1157C to change the number of allowed antennas on the site within the RH-1(D) (Residential, House, Single-Family, Detached) Zoning District, and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Filed by Erick Arguello on behalf of the Lower 24th Street Merchant Association, and subscribed by Supervisors Campos, Mar, Chiu, Chu, Mirkarimi, and Avalos.)
(Filed August 2, 2010; Companion Measure to File Nos. 101046, 101047, 101048.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to September 28, 2010. There were no speakers. The President continued the public hearing open to September 28, 2010.

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101046 [Approving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion approving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101047 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion disapproving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101048 [Preparation of Findings Related to the Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 2:30 P.M.

101087 [Public Hearing - Conditional Use Appeal for 3150 California Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 8, 2010, Conditional Use Permit identified as Planning Case No. 2010.0357C, by its Motion No. 18139, under Planning Code Sections 303 and 703.3 to allow a Formula Retail Use (dba Pet Food Express) in an NC-2 (Neighborhood Commercial, Small Scale) District and a 40-X Height and Bulk District, on property located at 3150 California Street, Lot No. 013, in Assessor's Block No. 1022. (District 2) (Filed by Susan Landry on behalf of The Animal Connection II, and subscribed by Supervisors Mar, Maxwell, Avalos, Campos, and Chiu)
(Filed August 6, 2010; Companion Measure to File Nos. 101088, 101089 and 101090)

The President inquired as to whether any member of the public wished to address the Board. Susan Landry, Bobby Wise, and Kathleen Dooley (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Janet Clyde; Shireen Nyolen; Maureen Murray; Eric Brooks; Otto Duffy; Amy Bearg; John Trojan; Andy Farriester; Walter Paulson; Debra Leow; Pamela Habel; Mr. White; spoke in support of the appeal. There were no other speakers in support of the appeal. John Rahaim, Planning Department Director, and Tara Sullivan (Planning Department) provided details of the project and responded to questions raised throughout the discussion. Sean Moore, Michael Levy, and Mike Murray (Project Sponsors) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Louise Tully; Bob Tandler; Emily Scott Pottruck; Marcy Schaaf; Diane Bode; Joyce Lively; Alexandra Dixon; Deborah Heller; Rebecca Katz, Animal Care and Control Director; Phillip Praugge; Female Speaker; Michael Williams; spoke in support of the project and in opposition to the appeal. There were no other speakers in support of the project. Peter Weaver (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101088 [Approving Planning Commission Decision Related to Conditional Use Appeal for 3150 California Street]

Motion approving the decision of the Planning Commission, by its Motion No. 18139, approving Conditional Use Application 2010.0357C on property located at 3150 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion FAILED by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101089 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 3150 California Street]

Motion disapproving the decision of the Planning Commission, by its Motion No. 18139, approving Conditional Use Application 2010.0357C on property located at 3150 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion FAILED by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101090 [Preparation of Findings Related to the Conditional Use Appeal for 3150 California Street]

Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0357C on property located at 3150 California Street. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion FAILED by the following vote:
Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell
Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Caesar Caiati in celebration of his 100th birthday.

Supervisors Mar and Mirkarimi introduced, welcomed, and presented a Certificate of Honor to Reese Erlich, freelance journalist, in recognition of his accomplishments and continued community support.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed various concerns relating to human rights and Iran.
Male Speaker; expressed various religious concerns.

Supervisor Daly was noted absent at 6:53 p.m.; was noted present at 7:04 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101111 [Application for Grant - Augmenting the Greening and Storm Water Features of the Cesar Chavez Street Redesign Project]

Sponsor: Campos

Resolution authorizing the San Francisco Planning Department to apply for a grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) to augment the greening and storm water features of the Cesar Chavez Street Redesign Project.

ADOPTED

101112 [Accept and Expend Grant - Web Based Recycling, Reuse, and Disposal Options - $25,000]

Sponsor: Mayor

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $25,000 from the County of Alameda to serve as the lead in the creation a web-based application that enables the public to easily find accurate information about nearby recycling, reuse, and disposal options.

ADOPTED

101113 [Application for Grant - Construction of HillPoint Park Open Space Project]

Sponsors: Mayor; Maxwell

Resolution approving the application for grant funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River, and Coastal Protection Bond Act of 2006 (Proposition 84) for construction of the HillPoint Park Open Space Project.

ADOPTED

101114 [Application for Grant - Strategic Growth Council Sustainable Communities - Greenway Network Plan]

Sponsor: Mayor

Resolution authorizing the San Francisco Planning Department to apply for a planning grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River, and Coastal Protection Bond Act of 2006 (Proposition 84) to complete a Greenway Network Plan.

ADOPTED

101117 [Commending London N. Breed]

Sponsor: Mirkarimi

Resolution commending and expressing appreciation to London N. Breed for her services upon the occasion of her departure from her position as Commissioner of the Redevelopment Agency of the City and County of San Francisco.

ADOPTED

101123 [Proclaiming September 14, 2010, as Reese Erlich Day]

Sponsors: Mar; Mirkarimi

Resolution honoring Reese Erlich and proclaiming September 14, 2010, to be "Reese Erlich Day."

ADOPTED

101035 [Supporting the Litigation Challenging the Constitutionality of the Federal "Don't Ask, Don't Tell" Policy]

Sponsors: Dufty; Campos, Mar and Avalos

Resolution supporting the litigation Log Cabin Republicans v. United States of America currently on trial before U.S. District Court for the Central District of California (Riverside), with Judge Virginia A. Phillips in Riverside presiding, challenging the constitutionality of the federal "Don't Ask, Don't Tell" Policy.

Supervisors Mar and Avalos requested to be added as co-sponsors.

ADOPTED

101038 [Celebration of the Mexican Bicentennial and Centennial Celebrations]

Sponsors: Campos; Avalos

Resolution celebrating the birth and independence of Mexico, honoring the relationship between San Francisco and Mexico, and appreciating the contributions that San Franciscans of Mexican descent make to the culture and prosperity of the city as well as struggles for justice and equality.

Supervisor Avalos requested to be added as a co-sponsor.

ADOPTED

101039 [Commending San Francisco Crisis Care on the Occasion of its Ray of Hope Charity Gala Reception 2010]

Sponsor: Alioto-Pier

Resolution commending San Francisco Crisis Care on the occasion of its Ray of Hope Charity Gala Reception 2010 benefitting the people of San Francisco.

ADOPTED

101040 [Declaring September 28, 2010, as Dr. Marguerite Rubenstein Day]

Sponsor: Dufty

Resolution declaring September 28, 2010, as Dr. Marguerite Rubenstein Day in San Francisco to recognize her commitment to health education and her lifelong service to San Francisco.

ADOPTED

101130 [Final Map 5045 - 575 Sutter Street]

Motion approving Final Map 5045, a 14 Commercial Unit Condominium Project, located at 535 Sutter Street being a subdivision of Lot No. 013 in Assessors Block No. 0296 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-135

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mirkarimi requested that File Nos. 100118 and 100119 be severed so that they may be considered separately.

101118 [Initiative Constitutional Amendment - Opposing Proposition 26, Which "Requires that Certain State and Local Fees be Approved by Two-Thirds Vote"]

Sponsors: Mirkarimi; Mar and Avalos

Resolution opposing Proposition 26, Initiative Constitutional Amendment, which requires that certain state and local fees be approved by two-thirds vote; fees include those that address adverse impacts on society or the environment caused by the fee-payer's business.

Supervisors Mar and Avalos requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

101119 [Urging the United States Department of State to Condemn the Government of Iran for Sentencing Sakineh Mohammadi Ashtiani to Death by Stoning]

Sponsor: Mirkarimi

Resolution urging the United States Department of State to condemn the Government of Iran under Supreme Leader Ayatollah Ali Khamenei for sentencing Sakineh Mohammadi Ashtiani to death by stoning for the crime of "adultery while being married."

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 2 - Alioto-Pier, Elsbernd

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

100697 [General Plan Amendments - Updating the Noise Maps of the Environmental Protection Element]

Ordinance amending the San Francisco General Plan by amending the Noise Maps of the Environmental Protection Element to reflect current conditions; making conforming text amendments; and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and environmental findings. (Planning Department)

08/11/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

100829 [Planning Code - Car-Share Controls]

Ordinance amending the San Francisco Planning Code, including Section 151.1 to enable the Planning Commission to require the provision of annual memberships to certified car-share organizations to residents of certain new development projects when certain findings are made; Section 163 to promote car-share services as a component of transportation management programs and transportation brokerage services; and Section 166 to permit car-share spaces in the same manner as residential accessory parking and require that car-sharing requirements for non-residential uses apply to all zoning districts; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

08/24/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

100878 [San Francisco Fire Code - Repealing and Replacing]

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2010 San Francisco Fire Code consisting of the 2010 California Fire Code and portions of the 2009 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (Fire Department)

08/27/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

100910 [Settlement of Lawsuit - California Department of Fair Employment and Housing (Zimmerman) - $105,000]

Ordinance authorizing settlement of the lawsuit filed by the California Department of Fair Employment and Housing (Plaintiff), Linda Zimmerman (Real Party In Interest) against the City and County of San Francisco for $105,000, the lawsuit was filed on March 4, 2009, in San Francisco Superior Court, Case No. CGC-09-485723; entitled Department of Fair Employment and Housing (Zimmerman) v. City and County of San Francisco. (City Attorney)

08/04/10; RECEIVED AND ASSIGNED to Rules Committee.

100911 [Settlement of Lawsuit - Michael Lew - $90,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Lew against the City and County of San Francisco for $90,000, including reemployment and restoration of vacation and sick leave; the lawsuit was filed on May 11, 2009, in San Francisco Superior Court, Case No. CGC-09-488262; entitled Michael Lew v. City and County of San Francisco, et al. (City Attorney)

08/04/10; RECEIVED AND ASSIGNED to Rules Committee.

100946 [Building Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Building Code in its entirety and replacing that Code with a new 2010 San Francisco Building Code that consists of the 2010 California Building Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

100950 [San Francisco Building Code - Residential Building - Repealing and Replacing]

Ordinance incorporating the provisions of the 2010 California Residential Code into various chapters of the San Francisco Building Code with local amendments, and adding Chapter 36 to serve as a directory of where such provisions may be found in the San Francisco Building Code; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

100952 [San Francisco Electrical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Electrical Code in its entirety and replacing that code with a new 2010 San Francisco Electrical Code that consists of the 2010 California Electrical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

101126 [San Francisco Mechanical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Mechanical Code in its entirety and replacing that code with a new 2010 San Francisco Mechanical Code that consists of the 2010 California Mechanical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

101127 [San Francisco Plumbing Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Plumbing Code in its entirety and replacing that code with a new 2010 San Francisco Plumbing Code that consists of the 2010 California Plumbing Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

101128 [San Francisco Building Code - Green Building - Repealing and Replacing]

Ordinance repealing Chapter 13C of the San Francisco Building Code in its entirety and enacting a new Chapter 13C that consists of the 2010 California Green Building Standards Code with local amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and Public Resources Code Section 25402.1(h)(2), and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

100992 [General Plan Amendment - Portion of 222 - 2nd Street]

Ordinance amending the General Plan of the City and County of San Francisco by amending Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan to change the height and bulk classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222 - 2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

09/01/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

100993 [Zoning Map Amendment - Portion of 222 - 2nd Street]

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Zoning Map 1HT to change the height and bulk district classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222 - 2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (City Attorney)

09/01/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/14/2010.

PROPOSED RESOLUTIONS

100526 [Gift Acceptance - Fire Department - Five Commercial Washer-Extractors - $44,000]
Resolution authorizing the San Francisco Fire Department to accept a gift from the San Francisco Firefighters' Cancer Prevention Foundation of five commercial washer-extractors valued at approximately $44,000 to clean personal protective equipment. (Fire Department)

08/18/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100877 [Board Response to the 2009-2010 Civil Grand Jury Report Entitled "Sharing the Roadway: From Confrontation to Conversation"]
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2009-2010 Civil Grand Jury Report entitled "Sharing the Roadway: From Confrontation to Conversation" and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget. (Clerk of the Board)

08/26/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

100894 [Increasing Contract with Xtech to $41,000,000]
Resolution authorizing the Office of Contract Administration to enter in the First Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from $24,000,000 to $41,000,000 and update certain standard contractual clauses. (Office of Contract Administration)

08/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100912 [Settlement of Lawsuit - Robin Leiter Cohen - $31,000]
Resolution approving the settlement of the unlitigated claim filed by Robin Leiter Cohen against the City and County of San Francisco for $31,000; claim was filed on September 4, 2009. (City Attorney)

08/04/10; RECEIVED AND ASSIGNED to Rules Committee.

100983 [Approve Modification of Lease with Japan Airlines]
Resolution approving and authorizing the execution of Modification No. 1 to Lease No. L01-0297 with Japan Airlines Company Limited to reduce the demised premises and the annual rent at Building 944 on Plot 50B-1 at San Francisco International Airport. (Airport Commission)

08/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100984 [Memorandum of Agreement with the National Park Service - Not to Exceed $30,000,000]
Resolution approving the Memorandum of Agreement with the National Park Service for the Comprehensive Management of Yosemite National Park Watersheds that supply water to the San Francisco Regional Water System pursuant to Charter Section 9.118. (Public Utilities Commission)

08/27/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100985 [Settlement of Anticipated Litigation - Bonneville Non-Exclusive Easement]

Resolution authorizing settlement of anticipated litigation to be filed by Bonneville International Corporation against the City and County of San Francisco for a non-exclusive easement on Bayview Hill for access to the radio tower owned by Bonneville. (City Attorney)

09/03/10; RECEIVED AND ASSIGNED to Rules Committee.

101036 [Contract with the State of California Office of Administrative Hearings to Provide Administrative Law Judges to Serve as Hearing Officers on Administrative Appeals]

Resolution authorizing the Department of Emergency Management to enter into a contract with the State of California Office of Administrative Hearings to provide administrative law judges to serve as hearing officers on administrative appeals from certification actions by the San Francisco Emergency Medical Services Agency. (Department of Emergency Management)

09/03/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:05 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, September 21, 2010 - 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

SEP 24 2010

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, Supervisor Campos was noted absent. There was a quorum.

Supervisor Campos Excused from Voting

Supervisor Mar, seconded by Supervisor Elsbernd, moved that Supervisor Campos be excused from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

AGENDA CHANGES

There were none.

COMMUNICATIONS

President Chiu introduced and welcomed Mayor Gbamnan Djidan and visitors from our African Sister City of Abidjan, Ivory Coast. There were no other communications.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101058 [Setting San Francisco's Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2010-2011]

Sponsor: Avalos

Ordinance providing revenue and levying property taxes for City and County purposes and establishing a pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the FY ending June 30, 2011.
(Fiscal Impact)

FINALLY PASSED

101059 [Setting San Francisco Community College District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]

Sponsor: Avalos

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the FY ending June 30, 2011.

FINALLY PASSED

101060 [Setting San Francisco Unified School District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]

Sponsor: Avalos

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the FY ending June 30, 2011.

FINALLY PASSED

101061 [Setting San Francisco Bay Area Rapid Transit District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]

Sponsor: Avalos

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the FY ending June 30, 2011.

FINALLY PASSED

101102 [Accept and Expend Grant - 2010 Disaster Corps Grant and Amendment to the Annual Salary Ordinance FY2010-2011 - $231,000]

Sponsor: Mayor

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a grant in the amount of $231,000 from California Volunteers for the grant period of 18 months following passage of the FY2010-2011 California State Budget for volunteer management and training; amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one Class 5277 Planner I at the San Francisco Fire Department.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

100294 [Liquor License Transfer - 715 Market Street]

Resolution determining that the transfer of a Type 21 off-sale general license from 50-3rd Street to 715 Market Street (District 6) to Zain H. Azzghayer for Zain's Fine Wine & Spirits will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

100685 [Liquor License - 450-460 Powell Street]

Resolution determining that the issuance of a Type 21 off-sale general license to Dean Zain Azzghayer for Dean's, located at 450-460 Powell Street (District 3), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

100834 [Liquor License Transfer - 101-6th Street]

Resolution determining that the premise to premise transfer of a Type 48 on-sale general public premises liquor license from 101-6th Street to expansion of public occupancy into basement storage at 101-6th Street (District 6), to Mark E. Rennie for Playbar, Inc., dba The Room, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

100915 [Liquor License Transfer - 1530 Haight Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine liquor license from 2 Harrison Street to 1530 Haight Street (District 5) to Bobby Vardakastanis for Haight Street Market, Inc., dba Haight Street Market, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

100916 [Liquor License Transfer - 447 Battery Street]

Resolution determining that the transfer of a Type 42 on-sale beer and wine public premises liquor license from 620 Post Street to 447 Battery Street (District 3) to Alberto De Almeida, Jr., for Magellan Wine, LLC, dba The Hidden Vine Wine Bar, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

100880 [Landmark Tree Designation of Redwood Tree Located at 46 Stillings Avenue]

Sponsors: Dufty; Daly

Ordinance designating the redwood tree (sequoia sempervirens) located at 46 Stillings Avenue (Assessor's Block No. 6734, Lot No. 023) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

FINALLY PASSED

101005 [Exceptions to Seismic Safety Loan Program Requirements to Allow for a $15,000,000 Loan to Arlington Residence - 480 Ellis Street]

Sponsors: Chu; Alioto-Pier

Ordinance approving exceptions to requirements of the Seismic Safety Loan Program pursuant to San Francisco Administrative Code Sections 66 and 66A and the Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. 122-06, to allow for a $15,000,000 Seismic Safety Loan Program loan for an existing affordable housing project at the Arlington Residence, 480 Ellis Street, San Francisco, California.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

101004 [Lease and License of Real Property at 1 Dr. Carlton B. Goodlett Place, Ground Floor Café and North Light Court]

Resolution authorizing the lease of 1,426 square feet of space, a license of 2,400 square feet and the shared use space of 1,360 square feet to the Elias M. Nasra and Family Partnership, a California general partnership, in City Hall located at 1 Dr. Carlton B. Goodlett Place. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Campos

From the Budget and Finance Committee Without Recommendation

Supervisor Alioto-Pier Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that Supervisor Alioto-Pier be excused from voting on File No. 100865. The motion carried by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Campos

100865 [Establishing an Alcohol Cost Recovery Fee]

Sponsors: Avalos; Mirkarimi, Maxwell, Mar, Daly and Campos

Ordinance amending the San Francisco Administrative Code, Chapter 106, by adding Sections 106 through 106.28, to impose a fee on alcoholic beverage wholesalers and certain other persons who distribute or sell alcoholic beverages in San Francisco to: 1) recover a portion of San Francisco's alcohol-attributable unreimbursed health costs, and; 2) fund administration costs.

FINALLY PASSED by the following vote:

Ayes: 6 - Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 2 - Alioto-Pier, Campos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101051 [Approval to Implement Alternative Bid Process for Construction Trade Packages for the Renovation and Construction of the George S. Moscone Convention Center]

Ordinance authorizing the San Francisco Department of Public Works to implement an alternative bid process for construction trade packages and to award contracts for construction services, for the renovation of and capital improvements to the Moscone Convention Center. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

101140 [Cigarette Litter Abatement Fee - Timing and Standards for Controller's Review and Adjustment]

Sponsor: Mayor

Ordinance amending Section 105.3 of the San Francisco Administrative Code to change the timelines and standards under which the Controller is directed to review and adjust the Cigarette Litter Abatement Fee.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

101107 [Management Agreement for the Harding Park Golf Course]

Sponsor: Elsbernd

Resolution authorizing the Recreation and Park Department General Manager to enter into an agreement with Tournament Players Club of California, Inc., for management of clubhouse and golf operations at the Harding Park and Fleming Golf Courses, excluding course maintenance operations (Management Agreement), from October 1, 2010, to December 31, 2019, pursuant to San Francisco Charter Section 9.118, with the right to extend the term to coincide with any extension of the Master Tournament Agreement between the City and County of San Francisco and PGA Tour, Inc.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Recommendation of the City Operations and Neighborhood Services Committee

100922 [Authorizing the Department of Public Health to Enter Into Contracts for Out-of-County Behavioral Health Services in the Foster Care System]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code by amending Section 21.42 to authorize the Department of Public Health to contract for behavioral health services to children in the foster care system under the jurisdiction of the City and County of San Francisco and located outside of San Francisco, utilizing contracting language and forms mandated by the State of California under California Welfare and Institutions Code Section 5777.7.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Recommendations of the Land Use and Economic Development Committee

100851 [Planning Code - Rehabilitation and Maintenance of Transfer Lots After Sale of Transferable Development Rights; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Sponsors: Chiu; Maxwell

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

See File No. 101200.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be DUPLICATED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

101200 [Planning Code - Preservation and Rehabilitation of Transfer Lots After Sale of Transferable Development Rights; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

See File No. 100851.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Resolution be DUPLICATED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on preservation and rehabilitation of the Transfer Lot property, to establish reporting procedures regarding the preservation and rehabilitation, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Resolution be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

101056 [Banning the Sale of Tobacco Products in Pharmacies]

Sponsors: Mar; Dufty and Maxwell

Ordinance amending the San Francisco Health Code by amending Sections 1009.91 and 1009.92, by repealing Section 1009.93, and by re-numbering Sections 1009.94, 1009.95, 1009.96, 1009.97, 1009.98, and 1009.99, as Sections 1009.93, 1009.94, 1009.95, 1009.96, 1009.97, and 1009.98, respectively, all to eliminate the exemptions for general grocery stores and big box stores from the general ban on the sale of tobacco products in pharmacies.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Campos

101070 [Gift Acceptance - Building Bocce Courts in Justin Herman Plaza - $61,000]
Sponsor: Chiu
Resolution authorizing the Recreation and Park Department to accept a gift of labor and construction materials with a value of $61,000 from the Laborers Local 261 Community and Training Foundation to build two bocce courts on the lawn in Justin Herman Plaza.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Campos

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Chiu, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to members of the Black Rock Arts Foundation in recognition of their accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

101083 [Appeal of Determination of Exemption from Environmental Review for a Project Located at 2514-23rd Avenue]
Hearing of persons interested in or objecting to the decision of the Planning Department's May 5, 2010, Determination of Exemption from Environmental Review, Building Permit No. 2010/05/05/1781, that a project located at 2514-23rd Avenue is exempt from environmental review under Categorical Exemption, Class 3. The proposal would involve structural work to the foundation, roof framing, and the addition of roof dormers, window replacement, and interior work to the building, which is a single-family residence, Lot No. 37, in Assessor's Block No. 2423. (District 4) (Appellant: Nancy Wuerfel, on behalf of the Sunset Parkside Education and Action Committee (SPEAK)).

The President indicated receipt of a letter, dated September 17, 2010, from the Planning Department rescinding their determination of exemption from environmental review.

TABLED BY OPERATION OF LAW

101084 [Affirming the Exemption Determination for 2514-23rd Avenue]
Motion affirming the determination by the Planning Department that the project located at 2514-23rd Avenue is exempt from environmental review.

TABLED BY OPERATION OF LAW

101085 [Reversing the Exemption Determination Issued for 2514-23rd Avenue]
Motion reversing the determination by the Planning Department that the 2514-23rd Avenue project is exempt from environmental review.

TABLED BY OPERATION OF LAW

101086 [Preparation of Findings to Reverse the Exemption Determination for the 2514-23rd Avenue Project]
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 2514-23rd Avenue is exempt from environmental review.

TABLED BY OPERATION OF LAW

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Joshua Abrahamson; expressed concerns relating to violent criminals.
Male Speaker; expressed various concerns.
Male Speaker; expressed various religious concerns.
Ace Washington; expressed various concerns.
Peter Warfield; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101153 [Commending Caesar Caiati]
Sponsor: Alioto-Pier
Resolution commending Caesar Caiati on his 100th Birthday and declaring September 19, 2010, "Caesar Caiati Day" in San Francisco.

ADOPTED

101168 [Urging Pacific Gas and Electric to Cooperate with the City's Request for Infrastructure Information]
Sponsors: Chu; Maxwell and Mirkarimi
Resolution urging Pacific Gas and Electric Company to cooperate completely and swiftly with all requests from the City Administrator and Fire Chief in a Utility Infrastructure Safety Review, and to provide all relevant City Departments with risk level and maintenance plan information for existing pipelines in San Francisco.

ADOPTED

101169 [Recognizing September 22, 2010, as "Please Don't Jump" Day to Promote Suicide Prevention]

Sponsors: Campos; Chiu and Dufty

Resolution recognizing September 22, 2010, as "Please Don't Jump" Day and urging the Golden Gate Bridge, Highway, and Transportation District staff and Board of Directors to continue its efforts to expeditiously construct a suicide barrier on the Golden Gate Bridge.

ADOPTED

101170 [Accept and Expend Grant - Susceptibility to Smoking Among Migrants in China - $4,901]

Sponsor: Mar

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $4,901 from the San Diego State University Research Foundation to support a project that will establish a Handheld Assisted Personal Interview system, including training and consultation for the period of September 17, 2009, through June 30, 2010. (Public Health Department)

ADOPTED

101171 [Local Support for Congestion Management Agency Block Grant Projects]

Sponsor: Mayor

Resolution of local support for four projects to be funded by $11,553,000 in federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement funds through the Metropolitan Transportation Commission's Congestion Management Agency Block Grant Program; committing the necessary non-federal match of $1,876,000; and stating assurance to complete the projects.

ADOPTED

101172 [Apply for Strategic Growth Council Sustainable Communities Planning Grant]

Sponsor: Mayor

Resolution authorizing the San Francisco Planning Department, in cooperation with the Mayor's Office of Housing, the San Francisco Municipal Transportation Agency, the San Francisco County Transportation Authority, and other Bay Area entities, to apply for a planning grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) to develop a Multi-City Bay Area Core Regional Growth and Investment Strategy.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Campos

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTION

101150 [Agreement to Exchange Easements in Connection with the Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel]

Resolution approving and authorizing an Agreement to Exchange Interests in Real Property to obtain an exclusive, subsurface easement from the Midpeninsula Regional Open Space District in exchange for a non-exclusive open space easement over real property owned by the City and County of San Francisco, for the purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications, and take certain actions in furtherance of this resolution. (Real Estate Department)

09/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:45 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, September 28, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

OCT - 1 2010

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar and Sophie Maxwell

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, Supervisors Dufty and Mirkarimi were noted absent. There was a quorum.

Supervisor Dufty was noted present at 2:10 p.m.

Supervisor Mirkarimi Excused from Voting

Supervisor Maxwell, seconded by Supervisor Campos, moved that Supervisor Mirkarimi be excused from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

AGENDA CHANGES

There were none.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 100865 which would establish an alcohol cost recovery fee. See File Nos. 100865 and 101209 below. There were no other communications.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101051 [Approval to Implement Alternative Bid Process for Construction Trade Packages for the Renovation and Construction of the George S. Moscone Convention Center]

Ordinance authorizing the San Francisco Department of Public Works to implement an alternative bid process for construction trade packages and to award contracts for construction services, for the renovation of and capital improvements to the Moscone Convention Center. (Public Works Department)

FINALLY PASSED

101140 [Cigarette Litter Abatement Fee - Timing and Standards for Controller's Review and Adjustment]

Sponsor: Mayor

Ordinance amending Section 105.3 of the San Francisco Administrative Code to change the timelines and standards under which the Controller is directed to review and adjust the Cigarette Litter Abatement Fee.

Ordinance No. 239-10

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

100922 [Authorizing the Department of Public Health to Enter Into Contracts for Out-of-County Behavioral Health Services in the Foster Care System]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code by amending Section 21.42 to authorize the Department of Public Health to contract for behavioral health services to children in the foster care system under the jurisdiction of the City and County of San Francisco and located outside of San Francisco, utilizing contracting language and forms mandated by the State of California under California Welfare and Institutions Code Section 5777.7.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

101161 [Construction Agreement for 1150 Ocean Avenue]

Sponsor: Elsbernd

Resolution approving an agreement and authorizing the Director of Planning to execute the agreement on behalf of the City and County of San Francisco in order to ensure the construction on-site of 26 inclusionary units in the mixed-use development proposed at 1150 Ocean Avenue (Lot No. 003 in Assessor's Block No. 3180).

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Supervisor Alioto-Pier Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, previously moved that Supervisor Alioto-Pier be excused from voting on File No. 100865 at the Regular Meeting of September 21, 2010. The motion carried by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Campos

100865 [Establishing an Alcohol Cost Recovery Fee]
Sponsors: Avalos; Mirkarimi, Maxwell, Mar, Daly and Campos

Ordinance amending the San Francisco Administrative Code, Chapter 106, by adding Sections 106 through 106.28, to impose a fee on alcoholic beverage wholesalers and certain other persons who distribute or sell alcoholic beverages in San Francisco to: 1) recover a portion of San Francisco's alcohol-attributable unreimbursed health costs, and; 2) fund administration costs.

Pursuant to the tabling of File No. 101209, communication by Angela Calvillo, Clerk of the Board, above, and Board Rule 4.19, this Ordinance is CONTINUED to October 5, 2010. No further action was taken.

Recommendations of the Land Use and Economic Development Committee

101056 [Banning the Sale of Tobacco Products in Pharmacies]
Sponsors: Mar; Dufty and Maxwell

Ordinance amending the San Francisco Health Code by amending Sections 1009.91 and 1009.92, by repealing Section 1009.93, and by re-numbering Sections 1009.94, 1009.95, 1009.96, 1009.97, 1009.98, and 1009.99, as Sections 1009.93, 1009.94, 1009.95, 1009.96, 1009.97, and 1009.98, respectively, all to eliminate the exemptions for general grocery stores and big box stores from the general ban on the sale of tobacco products in pharmacies.

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100832 [Contract with Institute on Aging for the Provision of Case Management, Community Living Fund and Linkages Program Services - Not to Exceed $16,144,866]

Resolution retroactively approving the grant agreement between the City and County of San Francisco and the non-profit Institute on Aging to provide Case Management, Community Living Fund and Linkages Program services to seniors and adults with disabilities during the period of July 1, 2010, to June 30, 2014, for a total not to exceed amount of $16,144,866. (Human Services Department)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

100894 [Increasing Contract with Xtech to $41,000,000]

Resolution authorizing the Office of Contract Administration to enter in the First Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from $24,000,000 to $41,000,000 and update certain standard contractual clauses. (Office of Contract Administration)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

100991 [Resolution of Intention to Form the Ocean Avenue Community Benefits District]

Sponsors: Avalos; Elsbernd

Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Ocean Avenue Community Benefits District," and levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

Supervisor Elsbernd requested to be added as a co-sponsor.

Resolution No. 437-10

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

101110 [Accept and Expend Grant - Airport Commission - U.S. Federal Aviation Administration Grant - Not to Exceed $79,982,500]

Sponsor: Mayor

Resolution authorizing the Airport Commission to execute an Other Transaction Agreement with the Federal Aviation Administration (FAA) for the Replacement Airport Traffic Control Tower and FAA Offices in the amount not to exceed $79,982,500 and retroactively accept and expend federal funds.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

101152 [San Francisco International Airport Environment Review]

Sponsor: Mayor

Resolution adopting California Environmental Quality Act findings related to the Courtyard 2 Air Traffic Control Tower Replacement Project and Integrated Facilities Project at San Francisco International Airport.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

Recommendation of the Government Audit and Oversight Committee

101131 [Board Response to the 2009-2010 Civil Grand Jury Report Entitled "Pension Tsunami: The Billion Dollar Bubble"]

Sponsor: Mar

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2009-2010 Civil Grand Jury Report entitled “Pension Tsunami: The Billion Dollar Bubble” and urging the Mayor to cause the implementation of accepted findings and recommendations through the department heads and through the development of the annual budget. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED on Page 8, Line 9, replacing 'finds that' with 'agrees with'; and Line 10, adding 'and acknowledges that it' before 'requires.' The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell
Noes: 2 - Alioto-Pier, Elsbernd
Excused: 1 - Mirkarimi

Recommendations of the Land Use and Economic Development Committee

100757 [Public Works Code - Minor Encroachment Fee Waiver for Affordable Housing Projects]

Sponsor: Daly

Ordinance amending Public Works Code, Article 15, Section 723.2, to provide for a waiver of the annual public right-of-way occupancy fee for minor sidewalk encroachment permits necessary for the development of 100% affordable housing projects and adopting environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

100918 [Mission Bay North - Blocks N3-N3A Public Infrastructure Improvements]

Sponsor: Daly

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay North - Blocks N3-N3A, including acquisition facilities on portions of King Street, Berry Street, Fourth Street, and Fifth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; accepting a pedestrian access and utility easement relating to the project; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,752; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Supervisor Daly requested to be added as sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

100755 [Supporting Existing Area Plan Housing Requirements]

Sponsors: Chiu; Mirkarimi, Avalos and Campos

Resolution supporting existing area plan housing requirements.

ADOPTED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Michael Cohen, Director of the Mayor's Office of Economic and Workforce Development in recognition of his many accomplishments and for his 15 years of dedicated service to the City and County of San Francisco.

Supervisors Avalos and Mar introduced, welcomed, and presented Certificates of Honor to Aaron Barbieri-Aghib, Ariel Barbieri-Aghib, Brenda Picazo, Breonna Frierson, Derek Morrell, Esmerelda Mancilla, Helena Chow, Irene Taylor, Isaiah Spikes, Jadeshia Hui, Jessie Chen, Lona Kwan, Mayra Perez, Nancy Li, Ramon Gomez, Rashon Armstrong, Rayshawnda Madison, Rochelle Chan, Stephanie Huang, Taylor Cato, TJ Smith, Wendy Wong, Zoe Santos of the San Francisco Peer Court in recognition of their accomplishments and National Youth Court Month.

SPECIAL ORDER 4:00 P.M.

Supervisor Avalos was noted absent at 4:03 p.m.; was noted present at 4:11 p.m.

101041 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Determination of Exemption from Environmental Review identified as Planning Case No. 2010.0306C, by its Motion No. 18131, which included the exemption determination, that a project located at 10 Bernal Heights Boulevard is exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines Sections 15301 Class (1), 15303 (Class 3), and 15311 (Class 11), to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park within an RH-1(D) (Residential, House, Single-Family, Detached) Zoning District and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Appellant: Erick Arguello on behalf of the Lower 24th Street Merchant Association.)
(Filed August 2, 2010; Companion Measure to File Nos. 101042, 101043, 101044.)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED to October 19, 2010. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101042 [Affirming the Exemption Determination for 10 Bernal Heights Boulevard]

Motion affirming the determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101043 [Reversing the Exemption Determination Issued for 10 Bernal Heights Boulevard]

Motion reversing the determination by the Planning Commission that the 10 Bernal Heights Boulevard project is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101044 [Preparation of Findings to Reverse the Exemption Determination for the 10 Bernal Heights Boulevard Project]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

SPECIAL ORDER 4:00 P.M.

101045 [Public Hearing - Conditional Use Appeal for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Conditional Use Permit identified as Planning Case No. 2010.0306C, by its Motion No. 18131, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park and to modify the Conditional Use approval under Case No. 2008.1157C to change the number of allowed antennas on the site within the RH-1(D) (Residential, House, Single-Family, Detached) Zoning District, and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Filed by Erick Arguello on behalf of the Lower 24th Street Merchant Association, and subscribed by Supervisors Campos, Mar, Chiu, Chu, Mirkarimi, and Avalos.)

(Filed August 2, 2010; Companion Measure to File Nos. 101046, 101047, 101048.)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101046 [Approving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion approving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101047 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion disapproving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101048 [Preparation of Findings Related to the Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 19, 2010. There were no speakers. The President continued the public hearing open to October 19, 2010.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

SPECIAL ORDER 4:00 P.M.

101031 [Public Hearing - Appeal of Final Environmental Impact Report for 222-2nd Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's August 12, 2010, Certification of a Final Environmental Impact Report identified as Planning Case No. 2006.1106E, through its Motion No. 18166, for a proposed office project located at 222-2nd Street with 430,650 gross square feet of office space, approximately 4,963 square feet of ground-floor retail space; and approximately 27,932 square feet of parking area located on two below ground parking levels, with approximately 54 parking spaces, with the capacity for 80 vehicles with valet parking within the C-3-O (SD) Downtown Office (Special Development) District and 350-S/150-S Height and Bulk Districts, Lot No. 063, in Assessor's Block No. 3735. (District 6) (Appellant: Sue C. Hestor, on behalf of 246-2nd Street Owners Association)
(Filed September 1, 2010; Companion to File Nos. 101032, 101033, 101034.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to October 5, 2010, at 2:30 p.m. There were no speakers. The President continued the public hearing open to October 5, 2010, at 2:30 p.m.

Supervisor Daly, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED to October 5, 2010, at 2:30 p.m. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101032 [Affirming the Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 5, 2010, at 2:30 p.m. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101033 [Reversing the Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 5, 2010, at 2:30 p.m. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

101034 [Preparation of Findings to Reverse Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Dufty, moved that this Motion be CONTINUED to October 5, 2010, at 2:30 p.m. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi
Absent: 1 - Avalos

Board of Supervisors Sitting as a Committee of the Whole

101182 [Public Hearing - Certification of Appropriateness for Alterations to the Board of Supervisors' Legislative Chamber]

Hearing on the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the Certificate of Appropriateness referenced in File Nos. 101182, 101183, 101184. See File No. 101181. Susan Mizner, Director of the Mayor's Office on Disability, and Ed Reiskin, Director of Public Works, provided an overview of the project and responded to questions raised throughout the discussion. Ellen Schumer (City Hall Preservation Advisory Commission); Jessie Lorenz; Francisco DaCosta; spoke expressing various concerns relating to the project. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101183 [Approving the Historic Preservation Commission's Approval for Certificate of Appropriateness Regarding the Alterations of the Board of Supervisors' Legislative Chamber]

Motion approving the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

Motion No. M10-137

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 1 - Daly
Excused: 1 - Mirkarimi

101184 [Disapproving the Historic Preservation Commission's Approval for Certificate of Appropriateness Regarding the Alterations of the Board of Supervisors' Legislative Chamber]

Motion disapproving the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 1 - Daly
Excused: 1 - Mirkarimi

COMMITTEE REPORTS

Recommendation of the Land Use and Economic Development Committee

100851 [Planning Code - Rehabilitation and Maintenance of Transfer Lots After Sale of Transferable Development Rights; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Sponsors: Chiu; Maxwell

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

101200 [Planning Code - Preservation, Rehabilitation and Maintenance of Preservation Lots; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Sponsors: Chiu and Maxwell

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on preservation and rehabilitation of the Transfer Lot property, to establish reporting procedures regarding the preservation and rehabilitation, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

This item was not sent as a Committee Report.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisor Maxwell was noted absent at 4:07 p.m.; was noted present at 4:42 p.m.
Supervisor Dufty was noted absent at 4:07 p.m.; was noted present at 4:38 p.m.
Supervisor Chiu was noted absent at 4:28 p.m.; was noted present at 4:41 p.m.
Supervisor Chu was noted absent at 4:28 p.m.; was noted present at 4:42 p.m.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Female Speaker; expressed support for compassionate care legislation.
Douglas Yap; expressed concerns relating to crimes against the Asian community.
Rev. Randi Webster; expressed support for compassionate care legislation.
Catherine Smith; expressed support for compassionate care legislation.
Gavin Gene; expressed support for compassionate care legislation.
Steve Hanley; expressed support for compassionate care legislation.
Female Speaker; expressed support for compassionate care legislation.
Bob Smith; expressed support for compassionate care legislation.
Male Speaker; expressed support for compassionate care legislation.
Ray Ledbetter; expressed support for compassionate care legislation.
Lance Williams; expressed support for compassionate care legislation.
Theresa Cooper; expressed support for compassionate care legislation.
Stewart Russ; expressed support for compassionate care legislation.
Michael Boldman; expressed support for compassionate care legislation.
Floyd Rory; expressed support for compassionate care legislation.
Al Loving; expressed gratitude for recent in memoriam.
John Martinelli; expressed support for compassionate care legislation.
Yvette Hernandez; expressed support for compassionate care legislation.
Male Speaker; expressed support for compassionate care legislation.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101203 [Ensuring Safe, Affordable, and Quality Patient Care]
Sponsor: Daly
Resolution urging all relevant City agencies to uphold and strengthen current medical cannabis laws, and regulatory procedures that ensures quality care of patients, protects residents, and provides a true benefit to the community, and discourages business practices that threaten local permitted medical cannabis dispensary operators.

ADOPTED

101204 [Declaring October 6, 2010, as Walk to School Day to Promote the Safety and Health of Children]
Sponsors: Dufty; Chu
Resolution declaring October 6, 2010, as Walk to School Day to promote the safety and health of children in the City and County of San Francisco.

ADOPTED

101205 [Affordable Child Care Facilities and Teacher's Housing - 1155 Page Street]
Sponsor: Mirkarimi
Resolution urging the San Francisco Unified School District to consider developing both affordable child care facilities and affordable teacher's housing on the surplus property located at 1155 Page Street.

ADOPTED

101206 [Proposition 23 - California Global Warming Solutions Act of 2006]
Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Dufty, Mar, Chu, Elsbernd, Maxwell and Avalos
Resolution opposing Proposition 23, an initiative constitutional amendment suspending the California Global Warming Solutions Act of 2006, until California's unemployment rate drops to 5.5 percent or less for four consecutive quarters.

ADOPTED

101207 [Committee of the Whole - October 5, 2010 - Public Hearing to Renew/Re-Establish the 2500 Block of Mission Street Business Improvement District, to be Known as the Mission Miracle Mile Business Improvement District]
Sponsor: Campos
Motion to sit as a Committee of the Whole to hold a public hearing on October 5, 2010, to consider adopting a Resolution to renew and re-establish the 2500 Block of Mission Street Business Improvement District, to now be known as the Mission Miracle Mile Business Improvement District.

Motion No. M10-138

APPROVED

101210 [Supporting the LGBT Marchers and Their Supporters in the October 10, 2010, Gay Pride Parade in Belgrade, Serbia]

Sponsor: Dufty

Resolution supporting the Lesbian, Gay, Bisexual, and Transgender marchers and their supporters as they peacefully exercise their human right to be visible in the streets, free from violence and fear, during the Gay Pride Parade in Belgrade, Serbia on October 10, 2010.

ADOPTED

101189 [Final Map 5679: 531 - 545 Octavia Street]

Motion approving Final Map 5679, a five Lot Airspace Subdivision Project, located at 531 - 545 Octavia Street being a subdivision of Lot No. 001B in Assessors Block No. 0807 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-139

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Avalos requested that File No. 101209 be severed so that it may be considered separately.

Supervisor Alioto-Pier Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, previously moved that Supervisor Alioto-Pier be excused from voting on related File No. 100865 at the Regular Meeting of September 21, 2010. The motion carried by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Campos

101209 [Directing the Clerk of the Board to Agendize Consideration to Override Alcohol Cost Recovery Fee Veto]

Sponsor: Avalos

Motion directing the Clerk of the Board to agendize consideration to override veto pursuant to Charter Section 2.016 of an ordinance which would establish an Alcohol Cost Recovery Fee (File No. 100865) at the Regular Meeting of September 28, 2010.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 101209. There were no speakers. The President declared public comment closed.

Supervisor Avalos, seconded by Supervisor Mar, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

Supervisor Chiu requested that File No. 101181 be severed so that it may be considered separately.

101181 [Committee of the Whole - September 28, 2010 - Hearing on the Historic Preservation Commission's Certificate of Appropriateness for Alterations to the Board of Supervisors' Legislative Chamber]

Motion to sit as a Committee of the Whole for a hearing on the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0667A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place, to be held on September 28, 2010. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to File No. 101181. Female Speaker spoke expressing various concerns relating to the project. There were no other speakers. The President declared public comment closed.

Motion No. M10-136

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Daly, seconded by Supervisor Maxwell, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor Maxwell, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

101245 [Commending Bob Hart]

Sponsor: Daly

Resolution commending Bob Hart, Executive Director of the General Assistance Advocacy Project (GAAP), for his advocacy and leadership on behalf of the poor and homeless in San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 101245. There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 1 - Mirkarimi

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

101216 [Mission Bay South - Fourth Street, Channel Street, and Third Street Public Infrastructure Improvements]

Ordinance accepting the Irrevocable Offers of property along portions of Channel Street and Third Street and the irrevocable offers of Improvements of public infrastructure improvements, including acquisition facilities on Channel Street, Fourth Street, and Third Street; dedicating such improvements for public use; declaring such areas as shown on Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,869; and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/20/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101217 [Mission Bay South - Blocks 10-10A Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 10-10A including acquisition facilities on China Basin Street, Terry A. Francois Boulevard and Mission Bay Boulevard North; declaring City property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,870; and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/20/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101218 [Mission Bay South - Storm Water Pump Station No. 6 Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 6 including acquisition facilities located on and under Bayfront Park along Terry A. Francois Boulevard; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,871; and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/20/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101219 [Relocation Impact Study and Last Resort Housing Plan for Central Subway Project]

Ordinance approving the San Francisco Municipal Transportation Agency's Relocation Impact Study and Last Resort Housing Plan for the Central Subway Project. (Municipal Transportation Agency)

09/20/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/20/2010.

PROPOSED RESOLUTIONS

101213 [Airline/Airport 2011 Lease and Use Agreement]

Resolution approving six new Airline/Airport Lease and Use Agreements between the City and County of San Francisco and various airlines, effective July 1, 2011, to allow such Airlines to conduct domestic and international flight operations at San Francisco International Airport. (Airport Commission)

09/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101214 [Airline/Airport Lease and Use Agreement and Lease and Operating Agreement Modifications]

Resolution approving modifications to the terms of two Airline/Airport Lease and Use Agreements between the City and County of San Francisco and Alaska Airlines, Inc. and Continental Airlines, Inc. to allow such Airlines to modify the rental of Terminal Space. (Airport Commission)

09/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101215 [Leases of Real Property]

Resolution authorizing the amendment of four existing leases (at 729 Filbert Street, 650 Fifth Street, 160 South Van Ness Avenue, and 109 New Montgomery Street) to reduce the rent and extend the lease term for the Department of Public Health, Human Services Agency, and the Department of Child Support Services. (Real Estate Department)

09/20/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:45 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, October 5, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

101036 [Contract with the State of California Office of Administrative Hearings to Provide Administrative Law Judges to Serve as Hearing Officers on Administrative Appeals]

Resolution authorizing the Department of Emergency Management to enter into a contract with the State of California Office of Administrative Hearings to provide administrative law judges to serve as hearing officers on administrative appeals from certification actions by the San Francisco Emergency Medical Services Agency. (Department of Emergency Management)

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

100526 [Gift Acceptance - Fire Department - Five Commercial Washer-Extractors - $44,000]

Resolution authorizing the San Francisco Fire Department to accept a gift from the San Francisco Firefighters' Cancer Prevention Foundation of five commercial washer-extractors valued at approximately $44,000 to clean personal protective equipment. (Fire Department)

ADOPTED

101149 [Liquor License, 1097 Howard Street, #209]

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Christy Bergman for The Secret Wine Shop at 1097 Howard St., #209 (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

101160 [Accept and Expend Grant - Department of Public Health - Pierce's Disease Control and Organic Program - $128,916.32]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively two grants (Agreements Nos. 10-0347 and 10-153) totaling $128,916.32 from the California Department of Food and Agriculture (CDFA) to fund the Pierce's Disease Control Program for the period of July 1, 2010, through June 30, 2012, and the Organic Program for the period of July 1, 2010, through June 30, 2011.

ADOPTED

101162 [Accept and Expend Grant - Department of Public Health - Project for Assistance in Transition from Homelessness - $631,739]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the United States Department of Health and Human Services in the amount of $631,739 to fund the project entitled "Project for Assistance in Transition from Homelessness" for the period July 1, 2010, through June 30, 2011.

ADOPTED

101163 [Accept and Expend Grant - Department of Public Health - Community Risk Reduction Plan - $49,995]

Sponsors: Maxwell; Mar

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $49,995 from the Bay Area Air Quality Management District, to support a project entitled "Community Risk Reduction Plan" for the period of July 1, 2010, through December 30, 2011.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

100757 [Public Works Code - Minor Encroachment Fee Waiver for Affordable Housing Projects]

Sponsor: Daly

Ordinance amending Public Works Code, Article 15, Section 723.2, to provide for a waiver of the annual public right-of-way occupancy fee for minor sidewalk encroachment permits necessary for the development of 100% affordable housing projects and adopting environmental findings.

FINALLY PASSED

100851 [Planning Code - Rehabilitation and Maintenance of Transfer Lots After Sale of Transferable Development Rights; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Sponsors: Chiu; Maxwell

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED

100918 [Mission Bay North - Blocks N3-N3A Public Infrastructure Improvements]

Sponsor: Daly

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay North - Blocks N3-N3A, including acquisition facilities on portions of King Street, Berry Street, Fourth Street, and Fifth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; accepting a pedestrian access and utility easement relating to the project; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,752; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

Supervisor Alioto-Pier Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Dufty, previously moved that Supervisor Alioto-Pier be excused from voting on File No. 100865 at the Regular Meeting of September 21, 2010. The motion carried by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Campos

100865 [Establishing an Alcohol Cost Recovery Fee]
Sponsors: Avalos; Mirkarimi, Maxwell, Mar, Daly and Campos
Ordinance amending the San Francisco Administrative Code, Chapter 106, by adding Sections 106 through 106.28, to impose a fee on alcoholic beverage wholesalers and certain other persons who distribute or sell alcoholic beverages in San Francisco to: 1) recover a portion of San Francisco's alcohol-attributable unreimbursed health costs, and; 2) fund administration costs.

APPROVED OVER THE MAYOR'S VETO. The motion FAILED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101103 [Appropriating $2,188,777 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]
Sponsor: Mayor
Ordinance appropriating $2,188,777 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100983 [Approve Modification of Lease - Airport Commission - Japan Airlines]

Resolution approving and authorizing the execution of Modification No. 1 to Lease No. L01-0297 with Japan Airlines Company Limited to reduce the demised premises and the annual rent at Building 944 on Plot 50B-1 at San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101202 [Annual Report - 2500 Block of Mission Street Business Improvement District]

Sponsor: Campos

Resolution receiving and approving the 2500 Block of Mission Street Business Improvement District Annual Reports for FYs2007, 2008, and 2009, as submitted, pursuant to Section 36650 of the Business Property and Business Improvement Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's Management Contract with the City.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

100528 [Exempting Certain Nonprofits from Guide Permit Requirement]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Police Code by amending Section 1295 to exempt nonprofit organizations conducting educational tours from the requirement to obtain a guide permit.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101178 [Honoring Local Restaurants During Restaurant Appreciation Month]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Health Code by adding Section 456.7 requiring the San Francisco Health Department to declare one month out of the year "Restaurant Appreciation Month" to honor certain local restaurants and to create an application and selection process to identify qualifying restaurants.

Supervisor Mar requested to be added as a co-sponsor.

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED on Page 2, Line 16, by adding '3. This criteria, application, and selection process, should include a review and analysis of the restaurant's labor practices towards its employees including but not limited to employees' regular and overtime wage rates, the restaurants' break policies, tip policies, health and safety training protocols, worker's compensation insurance coverage plans, sick leave policies, health insurance or coverage options offered to employees, family leave policies, and non-discrimination policies or protocols.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100645 [Naming the 17th Street Pedestrian Plaza in the Castro as Jane Warner Plaza]

Sponsor: Dufty

Resolution naming the 17th Street pedestrian plaza located at the intersection of 17th Street, Castro Street, and Market Street as Jane Warner Plaza.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

100873 [Animal Care and Control Welfare Fund – Not to Exceed $50,000]

Sponsors: Chu; Mar

Ordinance amending the San Francisco Administrative Code, Chapter 10, by amending Section 10.100-23, to change the gift fund category for the Animal Care and Control Welfare Fund, and to authorize the Department of Animal Care and Control to accept gifts of cash, equipment, property, and services not to exceed $50,000.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100877 [Board Response to the 2009-2010 Civil Grand Jury Report Entitled "Sharing the Roadway: From Confrontation to Conversation"]

Sponsor: Mar

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2009-2010 Civil Grand Jury Report entitled "Sharing the Roadway: From Confrontation to Conversation" and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget.

Supervisor Mar requested to be added as sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

Supervisor Daly Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that Supervisor Daly be excused from voting on File No. 100188. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

100188 [Zoning - 1800 Market Street Community Center Project Special Use District]

Sponsors: Dufty; Mirkarimi

Ordinance amending the San Francisco Planning Code by adding Section 787 to establish the 1800 Market Street Community Center Project Special Use District for property located at 1800 Market Street (Lot No. 014, Assessor's Block No. 871), located at the northwest corner of Market Street and Octavia Boulevard; amending Sheet No. SU07 of the Zoning Map of the City and County of San Francisco to reflect this new Special Use District; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

SPECIAL ORDER 2:30 P.M.

101031 [Public Hearing - Appeal of Final Environmental Impact Report for 222-2nd Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's August 12, 2010, Certification of a Final Environmental Impact Report identified as Planning Case No. 2006.1106E, through its Motion No. 18166, for a proposed office project located at 222-2nd Street with 430,650 gross square feet of office space, approximately 4,963 square feet of ground-floor retail space; and approximately 27,932 square feet of parking area located on two below ground parking levels, with approximately 54 parking spaces, with the capacity for 80 vehicles with valet parking within the C-3-O (SD) Downtown Office (Special Development) District and 350-S/150-S Height and Bulk Districts, Lot No. 063, in Assessor's Block No. 3735. (District 6) (Appellant: Sue C. Hestor, on behalf of 246-2nd Street Owners Association)
(Filed September 1, 2010; Companion to File Nos. 101032, 101033, 101034.)

The President inquired as to whether any member of the public wished to address the Board. Sue Hestor and Armand Der-Hacobian (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Greg Patterson; Female Speaker; Will Peeler; Tom Amimotto; Edmond Juicye; spoke in support of the appeal. There were no other speakers in support of the appeal. John Rahaim, Director of the Planning Department, Michael Jacinto and Sarah Jones (Planning Department) provided details of the project and responded to questions raised throughout the discussion. Andrew Junius (Project Sponsor) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Male Speaker; Justin Bettercry; Michael Theriault; Joel Koppel; Victor Gonzalez; Carl Shannon; spoke in support of the project and in opposition to the appeal. There were no other speakers in support of the project. Sue Hestor (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101032 [Affirming the Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Motion No. M10-142

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 4 - Avalos, Campos, Daly, Mar

101033 [Reversing the Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 4 - Avalos, Campos, Daly, Mar

101034 [Preparation of Findings to Reverse Certification of the 222-2nd Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 222-2nd Street Project.

Supervisor Daly, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion FAILED by the following vote:
Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi
Noes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Supervisor Elsbernd, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 4 - Avalos, Campos, Daly, Mar

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101249 [Public Hearing - Resolution to Establish (Renew) the 2500 Block of Mission Street Business Improvement District, to Now be Known as the Mission Miracle Mile Business Improvement District]

Sponsor: Campos

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based Business Improvement District to now be known as the "Mission Miracle Mile Business Improvement District," by: (1) renewing the previously established 2500 Block of Mission Street Business Improvement District for a period of five years and six months; (2) approving the management district plan and engineer's report and boundaries map; (3) ordering the levy and collection of assessments against the property located in the Mission Miracle Mile Business Improvement District for five years, for FYs2010-2011 through 2014-2015 (each FY begins on July 1 and ends the following June 30), subject to conditions as specified; (4) approving services, improvements, and activities to be provided through December 31, 2015; and (5) making environmental findings. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole. Phillip Lessor; Edmond Juicye; spoke in support of the assessment district. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101250 [Resolution to Establish (Renew) the 2500 Block of Mission Street Business Improvement District, to Now be Known as the Mission Miracle Mile Business Improvement District]

Sponsor: Campos

Resolution establishing a property-based Business Improvement District to now be known as the "Mission Miracle Mile Business Improvement District," by: (1) renewing the previously established 2500 Block of Mission Street Business Improvement District for a period of five years and six months; (2) approving the management district plan and engineer's report and boundaries map; (3) ordering the levy and collection of assessments against the property located in the Mission Miracle Mile Business Improvement District for five years, for FYs2010-2011 through 2014-2015 (each FY begins on July 1 and ends the following June 30), subject to conditions as specified; (4) approving services, improvements, and activities to be provided through December 31, 2015; and (5) making environmental findings.

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that the returned weighted ballots voting for the Mission Mirale Mile BID was 82.56%, and the returned weighted ballots voting against the Mission Miracle Mile BID was 17.44%, further indicating there was no majority protest.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Dufty

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Ron Blatman in recognition for his Saving the Bay series and continued community involvement.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Augustino Crotti of Tomasso's in recognition of the restaurant's 75th Anniversary and continued community involvement.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Pat Kaussen of the Richmond District Neighborhood Center in recognition of the center's accomplishments and continued community involvement.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to the members of the California Coalition for Domestic Worker's Rights in recognition of their campaign to pass a Domestic Worker Bill of Rights in California and continued community involvement.

SPECIAL ORDER 4:00 P.M.

101135 [Appeal of Conditional Use for 1268 Grant Avenue Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's August 5, 2010, Conditional Use Authorization identified as Planning Case No. 2010.0438C, by its Motion No. 18160, under Planning Code Section 790.38, to allow an Other Entertainment use, in an existing restaurant and bar (dba King of Thai Noodle House) located at 1268 Grant Avenue, within the North Beach Neighborhood Commercial District (NCD), the 40-X Height and Bulk District, and the North Beach Special Use District (SUD), in Assessor's Block No. 0145, Lot No. 032. (District 3) (Filed by Vedica Puri, on behalf of the Telegraph Hill Dwellers, and subscribed by Supervisors Chiu, Avalos, Campos, Mar, and Maxwell.)
(Filed September 7, 2010; Companion Measure to File Nos. 101136, 101137 and 101138.)

The President inquired as to whether any member of the public wished to address the Board. Vedica Puri (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Joan Wood; Howard Wong; Tara-May Herozarian; Mark Bitner; Judy Irving; Jeri Crawley; spoke in support of the appeal. There were no other speakers in support of the appeal. Tara Sullivan (Planning Department) and Commander Jim Dudley (Police Department) provided details of the project and responded to questions raised throughout the discussion. Arthur Lipton (Project Sponsor) provided details of the project and further requested the Board to uphold the decision of the Planning Commission. Stephen Cazala; Anthony Chaichana (Owner); spoke in support of the project and in opposition to the appeal. There were no other speakers in support of the project. Vedica Puri (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101136 [Approving Planning Commission Decision Related to Conditional Use Appeal for 1268 Grant Avenue]

Motion approving decision of the Planning Commission by its Motion No. 18160, approving Conditional Use Application No. 2010.0438C on property located at 1268 Grant Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101137 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 1268 Grant Avenue]

Motion disapproving decision of the Planning Commission by its Motion No. 18160, approving Conditional Use Application No. 2010.0438C on property located at 1268 Grant Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Motion No. M10-143

Supervisor Chiu, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101138 [Preparation of Findings Related to the Conditional Use Appeal for 1268 Grant Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2010.0438C on property located at 1268 Grant Avenue. (Clerk of the Board)

Motion No. M10-144

Supervisor Chiu, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd Excused from Voting

Supervisor Dufty, seconded by Supervisor Chu, moved that Supervisor Elsbernd be excused from voting on File Nos. 101185, 101186, 101187, and 101188. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

101185 [Appeal of Tentative Parcel Map for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated September 7, 2010, affirming the approval of a Tentative Parcel Map for 4 lots subdivision project located at 0 Los Palmos Drive (vacant), Lot No. 116, in Assessor's Block No. 3027A, and 795 Foerster Street, Lot No. 117, in Assessor's Block No. 3027A. (District 7) (Appellant: Sina Tarassoly)
(Filed September 17, 2010; Companion Measure to File Nos. 101186, 101187 and 101188.)

The President inquired as to whether any member of the public wished to address the Board. Sina Tarassoly (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Karen Bronsin; M.J. Parker; Otis Morgan; Ed Kelly; Rod Gunthry; Joseph Torrico; Male Speaker; Tony Arson; spoke in support of the appeal. There were no other speakers in support of the appeal. Bruce Storrs (Department of Public Works), Tara Sullivan and Scott Sanchez (Planning Department) provided details of the project and responded to questions raised throughout the discussion. Brett Gladstone (Project Sponsor) provided details of the project and further requested the Board to uphold the decision of the Public Works Department. There were no speakers in support of the project. Sina Tarassoly (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

101186 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]

Motion approving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Parcel Map for a 4-lot subdivision located at 0 Los Palmos Drive (vacant), Assessor's Block No. 3027A, Lot No. 116; and 795 Foerster Street, Assessor's Block No. 3027A, Lot No. 117.

Motion No. M10-145

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

101187 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]

Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 4-lot subdivision located at 0 Los Palmos Drive (vacant), Assessor's Block No. 3027A, Lot No. 116; and 795 Foerster Street, Assessor's Block No. 3027A, Lot No. 117.

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

101188 [Findings Related to the Tentative Parcel Map Disapproval for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 4-lot subdivision located at 0 Los Palmos Drive (vacant), Assessor's Block No. 3027A, Lot No. 116; and 795 Foerster Street, Assessor's Block No. 3027A, Lot No. 117.

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 1 - Elsbernd

COMMITTEE REPORTS

Recommendations of the Rules Committee

100906 [Appointment, Police Commission - R. James Slaughter]

Sponsor: Mayor

Motion confirming the Mayor's nomination of, and appointing, R. James Slaughter to the San Francisco Police Commission for the unexpired portion of a four-year term ending April 30, 2012. (Section 4.109 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - August 12, 2010.)

Motion No. M10-140

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100776 [Reappointment, Planning Commission - Gwyneth Borden]

Motion approving the Mayor's reappointment of Gwyneth Borden to the Planning Commission term ending July 1, 2014. (Clerk of the Board)
(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 100777. Transmittal date - September 2, 2010.)

Motion No. M10-141

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101212 [Outside Counsel for Mayoral Succession Issues]

Sponsor: Chiu

Resolution approving the retention of the Office of Santa Clara County Counsel to advise the City, in place of the City Attorney's Office, on legal issues relating to Mayoral succession.
(Supervisor Alioto-Pier dissented in Committee.)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

Recommendation of the Land Use and Economic Development Committee

101115 [Directing the Controller to Prepare an Infrastructure Financing Plan]

Sponsor: Mayor

Resolution authorizing and directing the Controller and his designee to prepare a report for Infrastructure Financing District No. 1 (Rincon Hill Area) and determining other matters related thereto.

This item was not sent as a Committee Report.

101116 [Resolution of Intention to Establish an Infrastructure Financing District]

Sponsor: Mayor

Resolution of Intention to establish an Infrastructure Financing District No. 1 (Rincon Hill Area) to finance the construction and/or acquisition of capital improvements in the Rincon Hill area; to call a public hearing on the formation of the district and to provide public notice thereof and other matters related thereto.

This item was not sent as a Committee Report.

101254 [Affirmation of Support of San Francisco's Bid for the 34th America's Cup and Endorsement of Host City]

Sponsors: Mayor; Chiu, Mirkarimi, Dufty, Alioto-Pier, Maxwell and Chu

Resolution supporting the efforts of the City and the San Francisco America's Cup Organizing Committee to bring the 34th America's Cup to the San Francisco Bay and encouraging BMW Oracle Racing and the Golden Gate Yacht Club to select San Francisco as the official Host City for the 34th America's Cup in 2013 and endorsing the Term Sheet for hosting the 34th America's Cup in San Francisco.

Privilege of the floor was granted to Jennifer Matz, Director of the Mayor's Office of Economic and Workforce Development, Rich Hillis and Kyri McClellan (OEWD), Monique Moyer, Director of the Port of San Francisco, and Elaine Forbes (Port) who responded to questions raised throughout the discussion regarding File No. 101254.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Irene Krepps; expressed concerns relating to the proposed landfill contract.
Barbara Connolly; expressed concerns relating to the proposed landfill contract.
Jennifer Nicolletto; expressed concerns relating to an upcoming protest in Marin County.
Male Speaker; expressed various religious concerns.
Edmond Juicye; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Elsbernd was noted absent at 7:05 p.m. for the remainder of the meeting.

101253 [Grant Application - Department of Public Health - Ryan White HIV Emergency Relief Program - $36,118,233]

Sponsors: Mayor; Dufty and Campos

Resolution authorizing the San Francisco Department of Public Health to submit an application to continue to receive funding for the "HIV/AIDS Emergency Relief Grant Programs (Ryan White Programs, Part A)" Grant from the Health Resources Services Administration, requesting $36,118,233 in HIV Emergency Relief Program funding for the San Francisco Eligible Metropolitan Area from March 1, 2011, through February 28, 2012.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Alioto-Pier requested that File No. 101257 be severed so that it may be considered separately.

101257 [Condemning the September 24, 2010, FBI Raids]

Sponsors: Mar; Daly and Campos

Resolution condemning the September 24, 2010, FBI raids on Trade Union, Anti-War, and Solidarity Activists.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED to October 19, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

101229 [Planning Code - Landmark Designation of 1890 Chestnut Street (Marina Branch Library)]

Ordinance designating 1890 Chestnut Street (Marina Branch Library), Lot No. 001 in Assessor's Block No. 0469, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

09/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101230 [Planning Code - Landmark Designation of 2000 Mason Street (North Beach Branch Library)]

Ordinance designating 2000 Mason Street (North Beach Branch Library), Lot No. 001 in Assessor's Block No. 0074, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

09/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101231 [Settlement of Lawsuit - Galliera, Inc. dba Trico Construction - $700,000]

Ordinance authorizing settlement of the lawsuit filed by Galliera, Inc. dba Trico Construction against the City and County of San Francisco for $700,000; the lawsuit was filed on December 29, 2008, in San Francisco Superior Court, Case No. CGC-08-483555, entitled Galliera, Inc. dba Trico Construction v. City and County of San Francisco, et al.; other material terms of the settlement are: (1) the settlement includes the consolidated action Cal Centurian Construction, Inc. dba RWR Construction v. Galliera, Inc. dba Trico Construction, et al., San Francisco Superior Court, Case No. CGC-09-485849, (2) the settlement includes all cross-complaints, (3) mutual releases except for warranties, guarantees, latent defects, and personal injury, (4) dismissal of all complaints and cross-complaints with prejudice, and (5) each party to bear its own attorneys fees and costs. (City Attorney)

09/27/10; RECEIVED AND ASSIGNED to Rules Committee.

101232 [Settlement of Lawsuit - Jeri D. Sessler - $75,000]

Ordinance authorizing settlement of the lawsuit filed by Jeri D. Sessler against the City and County of San Francisco for $75,000; the lawsuit was filed on June 3, 2009, in San Francisco Superior Court, Case No. CGC-09-488998; entitled Jeri D. Sessler, et al. v. City and County of San Francisco, et al. (City Attorney)

09/27/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

101222 [Settlement of Unlitigated Claim - Lily Martene Baxter - $45,000]

Resolution approving the settlement of the unlitigated claim filed by Lily Martene Baxter against the City and County of San Francisco for $45,000; claim was filed on February 10, 2010. (City Attorney)

09/21/10; RECEIVED AND ASSIGNED to Rules Committee.

101223 [Settlement of Unlitigated Claim - Adam Feibelman - $55,000]

Resolution approving the settlement of the unlitigated claim filed by Adam Feibelman against the City and County of San Francisco for $55,000; claim was filed on February 10, 2010. (City Attorney)

09/21/10; RECEIVED AND ASSIGNED to Rules Committee.

101224 [Settlement of Unlitigated Claim - McLarens Young International - $70,000]

Resolution approving the settlement of the unlitigated claim filed by McLarens Young International against the City and County of San Francisco for $70,000; claim was filed on May 25, 2010. (City Attorney)

09/21/10; RECEIVED AND ASSIGNED to Rules Committee.

101225 [Approving Landfill Disposal and Facilitation Agreements - Department of the Environment - Recology San Francisco]

Resolution approving a ten-year Landfill Disposal Agreement and Facilitation Agreement with Recology San Francisco under Charter Section 9.118. (Environment)

09/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101227 [Street Artist Spaces - 17th Street at Castro and Market Streets]

Resolution approving continued designation of eight (8) former temporary selling spaces in "mini-plaza" on 17th Street at Castro and Market Streets for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(11) relating to distance between street artists. (Arts Commission)

09/24/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101228 [Contract Modification - Human Services Agency - Hamilton Family Center - $180,000]

Resolution concurring with the Human Services Agency's Declaration of Emergency to modify the contract between the City and County of San Francisco and Hamilton Family Center to provide emergency elevator repairs for the family shelter in the amount of $180,000. (Human Services Department)

09/24/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101233 [Settlement of Unlitigated Claim - Danielle J. Rinsler - $215,000]

Resolution approving the settlement of the unlitigated claim filed by Danielle J. Rinsler against the City and County of San Francisco for $215,000; Government Code Claim was filed on November 24, 2009, (Govt. Claim No. 10-01422) and California Department of Fair Employment & Housing charge was filed on January 11, 2010, (Charge No. E200910A0351-rsc). (City Attorney)

09/27/10; RECEIVED AND ASSIGNED to Rules Committee.

101258 [Functional Classification Change for Local Streets]

Resolution approving the Department of Public Works recommended changes to the Functional Classification of local streets and roads and directing the Department to submit this resolution to the State of California, Department of Transportation. (Public Works Department)

09/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:32 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, October 19, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

OCT 22 2010

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101165 [Accept and Expend Grant - San Francisco Arts Commission - WritersCorps Program - $50,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $50,000 from the National Endowment for the Arts Learning in the Arts for Children and Youth for general operating support for WritersCorps.

ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

100528 [Exempting Certain Nonprofits from Guide Permit Requirement]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Police Code by amending Section 1295 to exempt nonprofit organizations conducting educational tours from the requirement to obtain a guide permit.

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

100873 [Animal Care and Control Welfare Fund - Not to Exceed $50,000]

Sponsors: Chu; Mar

Ordinance amending the San Francisco Administrative Code, Chapter 10, by amending Section 10.100-23, to change the gift fund category for the Animal Care and Control Welfare Fund, and to authorize the Department of Animal Care and Control to accept gifts of cash, equipment, property, and services not to exceed $50,000.

FINALLY PASSED

Recommendations of the Rules Committee

100910 [Settlement of Lawsuit - California Department of Fair Employment and Housing (Zimmerman) - $105,000]

Ordinance authorizing settlement of the lawsuit filed by the California Department of Fair Employment and Housing (Plaintiff), Linda Zimmerman (Real Party in Interest) against the City and County of San Francisco for $105,000, the lawsuit was filed on March 4, 2009, in San Francisco Superior Court, Case No. CGC-09-485723; entitled Department of Fair Employment and Housing (Zimmerman) v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

100911 [Settlement of Lawsuit - Michael Lew - $90,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Lew against the City and County of San Francisco for $90,000, including reemployment and restoration of vacation and sick leave; the lawsuit was filed on May 11, 2009, in San Francisco Superior Court, Case No. CGC-09-488262; entitled Michael Lew v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100959 [Settlement of Lawsuit - Carlos Garcia - $2,400,000]

Ordinance authorizing settlement of the lawsuit filed by Carlos Garcia against the City and County of San Francisco for $2,400,000; the lawsuit was filed on December 5, 2005, in San Francisco Superior Court, Case No. CGC-05-447342; entitled Carlos Garcia, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100912 [Settlement of Lawsuit - Robin Leiter Cohen - $31,000]

Resolution approving the settlement of the unlitigated claim filed by Robin Leiter Cohen against the City and County of San Francisco for $31,000; claim was filed on September 4, 2009. (City Attorney)

ADOPTED

100985 [Settlement of Anticipated Litigation - Bonneville Non-Exclusive Easement]

Resolution authorizing settlement of anticipated litigation to be filed by Bonneville International Corporation against the City and County of San Francisco for a non-exclusive easement on Bayview Hill for access to the radio tower owned by Bonneville. (City Attorney)

ADOPTED

101003 [Settlement of Grievance - Bruce Dunlap - $57,500]

Resolution authorizing the settlement of the grievances (ERD No. 45-09-1973 and ERD No. 45-09-1964) filed by International Federation of Professional and Technical Engineers, Local 21 (Union) on behalf of Grievant, Bruce Dunlap, against the City and County of San Francisco for $57,500. (City Attorney)

ADOPTED

101133 [Appointments, Assessment Appeals Board No. 1 - Jeffrey Morris and Gregory Blaine]

Motion appointing Jeffrey Morris and Gregory Blaine, terms ending September 2, 2013, to the Assessment Appeals Board No. 1. (Clerk of the Board)

Jeffrey Morris, seat 1, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Gregory Blaine, seat 4, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Motion No. M10-146

APPROVED

101134 [Appointments, Assessment Appeals Board No. 2 - Margaret Ruxton and Alfredo Perez]

Motion appointing Margaret Ruxton and Alfredo Perez, terms ending September 2, 2013, to the Assessment Appeals Board No. 2. (Clerk of the Board)

Margaret Ruxton, seat 2, succeeding herself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Alfredo Perez, seat 4, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Motion No. M10-147

APPROVED

101146 [Appointment, Commission on the Aging Advisory Council - Ken Prag]

Motion appointing Ken Prag, term ending March 31, 2012, to the Commission on the Aging Advisory Council. (Clerk of the Board)

Ken Prag, succeeding himself, term expired, must be a nominee of District 8 Supervisor, for the unexpired portion of a two-year term ending March 31, 2012.

Motion No. M10-148

APPROVED

101231 [Settlement of Lawsuit - Galliera, Inc. dba Trico Construction - $700,000]

Ordinance authorizing settlement of the lawsuit filed by Galliera, Inc. dba Trico Construction against the City and County of San Francisco for $700,000; the lawsuit was filed on December 29, 2008, in San Francisco Superior Court, Case No. CGC-08-483555, entitled Galliera, Inc. dba Trico Construction v. City and County of San Francisco, et al.; other material terms of the settlement are: (1) the settlement includes the consolidated action Cal Centurian Construction, Inc. dba RWR Construction v. Galliera, Inc. dba Trico Construction, et al., San Francisco Superior Court, Case No. CGC-09-485849, (2) the settlement includes all cross-complaints, (3) mutual releases except for warranties, guarantees, latent defects, and personal injury, (4) dismissal of all complaints and cross-complaints with prejudice, and (5) each party to bear its own attorneys fees and costs. (City Attorney)

PASSED, ON FIRST READING

101232 [Settlement of Lawsuit - Jeri D. Sessler - $75,000]

Ordinance authorizing settlement of the lawsuit filed by Jeri D. Sessler against the City and County of San Francisco for $75,000; the lawsuit was filed on June 3, 2009, in San Francisco Superior Court, Case No. CGC-09-488998; entitled Jeri D. Sessler, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100985 [Settlement of Anticipated Litigation - Bonneville Non-Exclusive Easement]

Resolution authorizing settlement of anticipated litigation to be filed by Bonneville International Corporation against the City and County of San Francisco for a non-exclusive easement on Bayview Hill for access to the radio tower owned by Bonneville. (City Attorney)

ADOPTED

101003 [Settlement of Grievance - Bruce Dunlap - $57,500]

Resolution authorizing the settlement of the grievances (ERD No. 45-09-1973 and ERD No. 45-09-1964) filed by International Federation of Professional and Technical Engineers, Local 21 (Union) on behalf of Grievant, Bruce Dunlap, against the City and County of San Francisco for $57,500. (City Attorney)

ADOPTED

101133 [Appointments, Assessment Appeals Board No. 1 - Jeffrey Morris and Gregory Blaine]

Motion appointing Jeffrey Morris and Gregory Blaine, terms ending September 2, 2013, to the Assessment Appeals Board No. 1. (Clerk of the Board)

Jeffrey Morris, seat 1, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Gregory Blaine, seat 4, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Motion No. M10-146

APPROVED

101134 [Appointments, Assessment Appeals Board No. 2 - Margaret Ruxton and Alfredo Perez]

Motion appointing Margaret Ruxton and Alfredo Perez, terms ending September 2, 2013, to the Assessment Appeals Board No. 2. (Clerk of the Board)
Margaret Ruxton, seat 2, succeeding herself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.
Alfredo Perez, seat 4, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Motion No. M10-147

APPROVED

101146 [Appointment, Commission on the Aging Advisory Council - Ken Prag]

Motion appointing Ken Prag, term ending March 31, 2012, to the Commission on the Aging Advisory Council. (Clerk of the Board)
Ken Prag, succeeding himself, term expired, must be a nominee of District 8 Supervisor, for the unexpired portion of a two-year term ending March 31, 2012.

Motion No. M10-148

APPROVED

101231 [Settlement of Lawsuit - Galliera, Inc. dba Trico Construction - $700,000]

Ordinance authorizing settlement of the lawsuit filed by Galliera, Inc. dba Trico Construction against the City and County of San Francisco for $700,000; the lawsuit was filed on December 29, 2008, in San Francisco Superior Court, Case No. CGC-08-483555, entitled Galliera, Inc. dba Trico Construction v. City and County of San Francisco, et al.; other material terms of the settlement are: (1) the settlement includes the consolidated action Cal Centurian Construction, Inc. dba RWR Construction v. Galliera, Inc. dba Trico Construction, et al., San Francisco Superior Court, Case No. CGC-09-485849, (2) the settlement includes all cross-complaints, (3) mutual releases except for warranties, guarantees, latent defects, and personal injury, (4) dismissal of all complaints and cross-complaints with prejudice, and (5) each party to bear its own attorneys fees and costs. (City Attorney)

PASSED, ON FIRST READING

101232 [Settlement of Lawsuit - Jeri D. Sessler - $75,000]

Ordinance authorizing settlement of the lawsuit filed by Jeri D. Sessler against the City and County of San Francisco for $75,000; the lawsuit was filed on June 3, 2009, in San Francisco Superior Court, Case No. CGC-09-488998; entitled Jeri D. Sessler, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

101222 [Settlement of Unlitigated Claim - Lily Martene Baxter - $45,000]

Resolution approving the settlement of the unlitigated claim filed by Lily Martene Baxter against the City and County of San Francisco for $45,000; claim was filed on February 10, 2010. (City Attorney)

ADOPTED

101223 [Settlement of Unlitigated Claim - Adam Feibelman - $55,000]

Resolution approving the settlement of the unlitigated claim filed by Adam Feibelman against the City and County of San Francisco for $55,000; claim was filed on February 10, 2010. (City Attorney)

ADOPTED

101224 [Settlement of Unlitigated Claim - McLarens Young International - $70,000]

Resolution approving the settlement of the unlitigated claim filed by McLarens Young International against the City and County of San Francisco for $70,000; claim was filed on May 25, 2010. (City Attorney)

ADOPTED

101233 [Settlement of Unlitigated Claim - Danielle J. Rinsler - $215,000]

Resolution approving the settlement of the unlitigated claim filed by Danielle J. Rinsler against the City and County of San Francisco for $215,000; Government Code Claim was filed on November 24, 2009, (Govt. Claim No. 10-01422) and California Department of Fair Employment & Housing charge was filed on January 11, 2010, (Charge No. E200910A0351-rsc). (City Attorney)

ADOPTED

101243 [Appointments, Treasure Island Development Authority Citizen Advisory Board - James Heid and Scott Vedro]

Motion appointing James Heid and Scott Vedro, for indefinite terms, to the Treasure Island Development Authority Citizen Advisory Board. (Clerk of the Board)

James Heid, seat 2, succeeding Stephen Mattoon, resigned, must meet any of the following: land use and urban planning and architecture; transportation planning and alternative and mass transit; historic conservation and preservation; engineering and construction; real estate development and financing; economic development and job generation and organized labor; first-source hiring, welfare-to-work and other job broker programs; affordable and low-income housing; marine related activities; natural resource preservation and conservation; environmental and toxic remediation and control; tideland trust and public access; open-meeting laws; recreational and athletic opportunities and programs; representative of public safety officers on Treasure Island; representative of Treasure Island Homeless Development Initiative; representative of Job Corps; representative of Treasure Island Elementary School; representative of film production industry; and representative of residential tenants on Treasure Island, for a term indefinite.

Scott Vedro, seat 11, succeeding Elizabeth Strahlstrom, resigned, must meet any of the following qualification: land use and urban planning and architecture; transportation planning and alternative and mass transit; historic conservation and preservation; engineering and construction; real estate development and financing; economic development and job generation and organized labor; first-source hiring, welfare-to-work and other job broker programs; affordable and low-income housing; marine related activities; natural resource preservation and conservation; environmental and toxic remediation and control; tideland trust and public access; open-meeting laws; recreational and athletic opportunities and programs; representative of public safety officers on Treasure Island; representative of Treasure Island Homeless Development Initiative; representative of Job Corps; representative of Treasure Island Elementary School; representative of film production industry; or representative of residential tenants on Treasure Island, for a term indefinite.

Motion No. M10-149

APPROVED

101264 [Appointments, San Francisco Health Authority - Randall Low and Maria Luz Torre]

Motion appointing Randall Low, term ending January 15, 2012, and Maria Luz Torre, term ending January 15, 2013, to the San Francisco Health Authority. (Clerk of the Board)

Randall Low, seat 7, succeeding himself, term expired, must be physician, and nominee of SF Medical Society, or any successor organization, for the unexpired portion of a three-year term ending January 15, 2012.

Maria Luz Torre, seat 10, succeeding herself, term expired, must be a nominee of the Health Authority Beneficiary Advisory Committee who shall at the time of appointment and during the person's term be a Medi-Cal beneficiary, for the unexpired portion of a three-year term ending January 15, 2013.

Motion No. M10-150

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Daly requested that File No. 100188 be severed so that it may be considered separately.

Supervisor Daly Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Dufty, previously moved that Supervisor Daly be excused from voting on File No. 100188 at the Regular Meeting of October 5, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

Recommendation of the Land Use and Economic Development Committee

100188 [Zoning - 1800 Market Street Community Center Project Special Use District]

Sponsors: Dufty; Mirkarimi

Ordinance amending the San Francisco Planning Code by adding Section 787 to establish the 1800 Market Street Community Center Project Special Use District for property located at 1800 Market Street (Lot No. 014, Assessor's Block No. 871), located at the northwest corner of Market Street and Octavia Boulevard; amending Sheet No. SU07 of the Zoning Map of the City and County of San Francisco to reflect this new Special Use District; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

101103 [Appropriating $2,188,777 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]

Sponsor: Mayor

Ordinance appropriating $2,188,777 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

101178 [Honoring Local Restaurants During Restaurant Appreciation Month]

Sponsors: Alioto-Pier; Mar and Campos

Ordinance amending the San Francisco Health Code by adding Section 456.7 requiring the San Francisco Health Department to declare one month out of the year "Restaurant Appreciation Month" to honor certain local restaurants and to create an application and selection process to identify qualifying restaurants.

Supervisor Campos requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

100472 [Access Appeals Commission - Notice to the Mayor's Office of Disability]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Building Code by adding Section 105A.3.10 to require that an agenda and packet of materials for each matter to be decided by the Access Appeals Commission shall be sent to the Mayor's Office of Disability at the same time and in the same manner as they are sent to the Commission members.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101104 [Public Employment - Department of the Environment]

Sponsor: Mayor

Ordinance amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of two positions: one (1) Class 5640 Environmental Specialist, one (1) Class 5644 Environmental Manager in the Department of the Environment.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101154 [Accept and Expend Grant - Office of the Public Defender - Rosenberg Foundation and Amendment to the Annual Salary Ordinance FY2010-2011 - $47,000]

Sponsor: Mirkarimi

Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of $47,000 from the Rosenberg Foundation, via Institute for Local Governance, to develop a California Reentry Council Network to assist in the development of statewide capacity to improve reentry policies and programs, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect addition of one (1) temporary Class 8173 Legal Assistant, grant-funded position (0.55 FTE), in the Office of the Public Defender.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101159 [Taxable and/or Tax Exempt Certificates of Participation for Various Capital Improvements - Not to Exceed $48,000,000]

Sponsor: Mayor

Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed $48,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements and of various disability access improvement projects; approving the form of a Second Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a Second Supplement to Property Lease between the City, as lessor, and the Trustee, as lessee; approving the form of a Second Supplement to Project Lease between the Trustee, as lessor, and the City, as lessee; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; delegating to the Director of Public Finance the authority to sell the Certificates of Participation by either a competitive or negotiated sale; approving the form of a Purchase Contract between the City and the underwriter(s) selected in accordance herewith, if the Certificates of Participation are sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101158 [Taxable and/or Tax Exempt Certificates of Participation (HOPE SF) - Not to Exceed $38,000,000]

Sponsor: Mayor

Ordinance authorizing the execution and delivery of Taxable and/or Tax Exempt Certificates of Participation (HOPE SF) in an aggregate principal amount not to exceed $38,000,000 to finance certain capital improvement projects; approving the form of a Trust Agreement between the City and County of San Francisco and the trustee (including certain indemnities contained therein); granting authorization for the selection of a trustee; approving the form of a Property Lease between the City and the Trustee named therein relating to certain property generally known as the Mission Police Station, certain property generally known as the Bayview Station of the San Francisco Police Department and certain other City-owned property; approving the form of a Project Lease between the City and the Trustee (including certain indemnities contained therein); delegating to the Director of Public Finance the authority to sell the Certificates of Participation by either a competitive or negotiated sale; approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF), if sold by competitive sale; authorizing certain actions relating to the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF), if sold by negotiated sale including approving the form of a Purchase Contract between the City and an underwriter named therein; approving the form of an Official Statement in preliminary form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF); approving modifications to documents; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

101192 [Appropriating $38,000,000 of Certificate of Participation Proceeds for the HOPE SF Development Project in the Mayor's Office of Housing for FY2010-2011]

Sponsors: Mayor; Maxwell

Ordinance appropriating $38,000,000 of Certificate of Participation Series 2011B proceeds to fund the HOPE SF Development Project sponsored by Hunters View Associates in the Mayor's Office of Housing for FY2010-2011 and placing these funds on Controller's reserve pending issuance of the COPs or associated commercial paper used for cash flow purposes in FY2010-2011. (Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

100692 [Lease of Port Real Property - Pier 26 Annex]

Resolution approving Port Commission Lease No. L-14796 with IDEO, LLC for office space located at Pier 26 Annex within the Southern Waterfront with a sixty month term and a sixty month option. (Port)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100984 [Public Utilities Commission - Memorandum of Agreement with the National Park Service - Not to Exceed $27,486,504]

Resolution approving the Memorandum of Agreement with the National Park Service for the Comprehensive Management of Yosemite National Park Watersheds that supply water to the San Francisco Regional Water System pursuant to Charter Section 9.118. (Public Utilities Commission) (Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101150 [Real Estate Department - Agreement to Exchange Easements in Connection with the Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel]

Resolution approving and authorizing an Agreement to Exchange Interests in Real Property to obtain an exclusive, subsurface easement from the Midpeninsula Regional Open Space District in exchange for a non-exclusive open space easement over real property owned by the City and County of San Francisco, for the purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications, and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101166 [Amendment to Fire Department Cooperative Agreement with the Navy]

Sponsor: Mayor

Resolution authorizing the San Francisco Fire Department to amend the Cooperative Agreement with the United States Navy to set the reimbursement rate for fire and emergency medical services to portions of the Hunters Point Shipyard for the period October 1, 2010, through September 30, 2011, and to accept and expend funds from the Navy as reimbursement for services under that Agreement.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101167 [Accept and Expend Grant - Mayor's Office of Housing - Infill Infrastructure Program - $30,000,000]

Sponsor: Mayor

Resolution authorizing the Mayor's Office of Housing to enter into a standard agreement with the California State Department of Housing and Community Development to accept and expend $30,000,000 of Infill Infrastructure Grant Program funds; the execution of a loan agreement with the Project Sponsor for disbursement of grant funds; and the execution of any related documents necessary to participate in the Infill Infrastructure Grant Program.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Committee Without Recommendation

101201 [Petitions for City Parcels to Form the Proposed Civic Center Community Benefit District]

Sponsor: Mayor

Resolution authorizing the Mayor to cast petitions in the affirmative for formation of the proposed Civic Center Community Benefit District, to sign on behalf of the City and County of San Francisco as the owner of certain parcels of real property that would be subject to assessment in the proposed property and business improvement district to be named the Civic Center Community Benefit District.

Privilege of the floor was granted to Rich Hillis (Mayor's Office of Economic and Workforce Development) who responded to questions raised throughout the discussion regarding File No. 101201.

Supervisor Avalos, seconded by Supervisor Daly, moved that this Resolution be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

100881 [Zoning Map Amendment - 1717-17th Street to Conform with Lot Line Adjustment]

Sponsor: Maxwell

Ordinance amending the San Francisco Zoning Map by amending the lot reference applicable to 1717-17th Street, and an adjacent property, referred to as 495 DeHaro Street, so that the height district applicable to each lot in its entirety is 48-X and 45-X, respectively, in conformance with a lot line adjustment between the subject properties; and making various findings, including environmental findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100917 [Planning Code Amendments - Area Plan Impact Fee and Jobs-Housing Linkage Program]

Sponsor: Avalos

Ordinance amending the San Francisco Planning Code sections related to Area Plan Impact Fees (Rincon Hill, Market and Octavia, Eastern Neighborhoods, and Balboa Park) and Jobs-Housing Linkage Fee to (1) improve Planning Code readability and ease of application with regard to impact fees; (2) create consistent definitions and application across the Area Plan Impact Fee and Jobs-Housing Linkage Fee provisions; (3) better recognize and account for the impact of existing conditions of development sites affected by the Area Plan Impact Fees and the Jobs-Housing Linkage Fee; (4) promote adaptive re-use of existing buildings in the Eastern Neighborhoods; and (5) clarify the impact fees associated with the Eastern Neighborhoods' on-going "legitimization" program; and adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

Supervisor Avalos requested to be added as sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101096 [Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or Other Youth Focused Incentive Items]

Sponsors: Mar; Campos, Chiu and Avalos

Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.8, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

Supervisor Mar, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to November 2, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101200 [Planning Code - Preservation, Rehabilitation and Maintenance of Preservation Lots; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Sponsors: Chiu and Maxwell

Ordinance amending Section 128 of the San Francisco Planning Code to require approval of a plan for preservation, rehabilitation, and maintenance of a Preservation Lot property prior to receipt of a Statement of Eligibility for Transferable Development Rights (TDR), to establish reporting procedures regarding the preservation, rehabilitation, and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

100963 [Healthy Nail Salon Recognition Program]

Sponsors: Chiu; Maxwell, Alioto-Pier, Chu, Mirkarimi, Mar and Campos

Ordinance amending the San Francisco Administrative Code by adding Chapter 27, Sections 27.1 through 27.6, to create a program to recognize nail salons that use nail polishes free of the toxic chemicals toluene, dibutyl phthalate, and formaldehyde.

Supervisors Mar and Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

101008 [Centralized and Publicly Accessible Online Database of Appointments to Advisory Bodies]

Sponsors: Chiu; Chu, Alioto-Pier and Mar

Ordinance amending the San Francisco Administrative Code by adding Sections 1.57-1 through 1.57-5, to provide for the establishment and maintenance of a centralized and publicly accessible online database of information concerning appointments made by Appointing Authorities to City and County of San Francisco advisory bodies.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100995 [Appointment, City Hall Preservation Advisory Commission - Maureen "Pat" Kelley]

Resolution confirming the appointment of Maureen "Pat" Kelley to the City Hall Preservation Advisory Commission. (Mayor)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100778 [Reappointment, Public Utilities Commission - Anson Moran]

Motion confirming the Mayor's reappointment of Anson Moran to the Public Utilities Commission, Seat 4, term ending August 1, 2014.

(Charter Section 4.112(a) provides that the Board of Supervisors shall confirm appointment by a majority (six votes) of the Board of Supervisors; companion measure to File 100779. Transmittal date - August 9, 2010.) (Clerk of the Board)

Motion No. M10-151

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100905 [Appointment, San Francisco Redevelopment Agency - Rosario Anaya]

Sponsor: Mayor

Motion confirming the Mayor's appointment of Rosario Anaya to the San Francisco Redevelopment Agency for the unexpired portion of a four-year term ending September 3, 2011.

Motion No. M10-152

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar Excused from Voting

Supervisor Avalos, seconded by Supervisor Maxwell, moved that Supervisor Mar be excused from voting on File No. 101261. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 1 - Mar

101261 [Appointment, Association of Bay Area Governments Executive Board - Supervisor Eric Mar]

Motion appointing Supervisor Eric Mar, term ending June 30, 2012, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

Motion No. M10-153

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Excused: 1 - Mar

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to De'Anthony Jones of the Environmental Services Learning Initiative in recognition of his accomplishments and continued community support. Supervisor Mirkarimi shared in the recognition.

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Brian Gray of the 826 Valencia Program in recognition of his accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

101041 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Determination of Exemption from Environmental Review identified as Planning Case No. 2010.0306C, by its Motion No. 18131, which included the exemption determination, that a project located at 10 Bernal Heights Boulevard is exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines Sections 15301 Class (1), 15303 (Class 3), and 15311 (Class 11), to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park within an RH-1(D) (Residential, House, Single-Family, Detached) Zoning District and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Appellant: Erick Arguello on behalf of the Lower 24th Street Merchant Association.)
(Filed August 2, 2010; Companion Measure to File Nos. 101042, 101043, 101044.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to November 16, 2010. There were no speakers. The President continued the public hearing open to November 16, 2010.

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101042 [Affirming the Exemption Determination for 10 Bernal Heights Boulevard]

Motion affirming the determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101043 [Reversing the Exemption Determination Issued for 10 Bernal Heights Boulevard]

Motion reversing the determination by the Planning Commission that the 10 Bernal Heights Boulevard project is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101044 [Preparation of Findings to Reverse the Exemption Determination for the 10 Bernal Heights Boulevard Project]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.

101045 [Public Hearing - Conditional Use Appeal for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Conditional Use Permit identified as Planning Case No. 2010.0306C, by its Motion No. 18131, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park and to modify the Conditional Use approval under Case No. 2008.1157C to change the number of allowed antennas on the site within the RH-1(D) (Residential, House, Single-Family, Detached) Zoning District, and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Filed by Erick Arguello on behalf of the Lower 24th Street Merchant Association, and subscribed by Supervisors Campos, Mar, Chiu, Chu, Mirkarimi, and Avalos.)

(Filed August 2, 2010; Companion Measure to File Nos. 101046, 101047, 101048.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to November 16, 2010. There were no speakers. The President continued the public hearing open to November 16, 2010.

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101046 [Approving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion approving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101047 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion disapproving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

101048 [Preparation of Findings Related to the Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

Recommendations of the Land Use and Economic Development Committee

101115 [Directing the Director of the Office of Economic and Workforce Development to Prepare an Infrastructure Financing Plan]

Sponsor: Mayor

Resolution authorizing and directing the Director of the Office of Economic and Workforce Development to prepare a report for Infrastructure Financing District No. 1 (Rincon Hill Area) and determining other matters related thereto.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101116 [Resolution of Intention to Establish an Infrastructure Financing District]

Sponsor: Mayor

Resolution of Intention to establish an Infrastructure Financing District No. 1 (Rincon Hill Area) to finance the construction and/or acquisition of capital improvements in the Rincon Hill area; to schedule a public hearing on January 25, 2011 at 3:00 p.m. on the formation of the district and to provide public notice thereof and other matters related thereto.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Ace Washington; expressed various concerns.
Denise Dorey; expressed support for the Axis of Love Program.
Shona Gochenaur; expressed support for the Axis of Love Program.
Carey Stohl; expressed support for the Axis of Love Program.
Gregory Ledbetter; expressed support for the Axis of Love Program.
Dr. Ahimsa Porter Sumchai; expressed concerns relating to childhood obesity.
Walter Paulson; shared in song certain concerns with the Board.
John Martinelli; expressed support for the Axis of Love Program.
Denise Minter; expressed support for the Axis of Love Program.
Michael Lamis; expressed support for the Axis of Love Program.
Male Speaker; expressed support for the Axis of Love Program.
Hector; expressed support for the Axis of Love Program.
Vince Turner; expressed support for the Axis of Love Program.
Catherine Smith; expressed support for the Axis of Love Program.
Michael Goldman; expressed support for the Axis of Love Program.
John DiDonna; shared in poem certain concerns with the Board.
Alise; expressed support for the Axis of Love Program.
Carmen; expressed support for the Axis of Love Program.
Lisa; expressed support for the Axis of Love Program.
Trevor White; expressed support for the Axis of Love Program.
Naksul; expressed support for the Axis of Love Program.
Erland; expressed support for the Axis of Love Program.
Gwendlyn Reese Callow; expressed support for the Axis of Love Program.
Evan Cross; expressed support for the Axis of Love Program.
Male Speaker; expressed various concerns.
Yvette Hernandez; expressed support for the Axis of Love Program.
Teresa Cooper; expressed support for the Axis of Love Program.
Cathleen Bosner; expressed support for the Axis of Love Program.
Flint Rodgers; expressed support for the Axis of Love Program.
Linda Ramos; expressed support for the Axis of Love Program.
Frank Hogan; expressed support for the Axis of Love Program.
Tony; expressed support for the Axis of Love Program.
Catherine Valdez; expressed support for the Axis of Love Program.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Alioto-Pier was noted absent at 3:22 p.m. and noted present at 3:49 p.m.
Supervisor Daly was noted absent at 3:22 p.m. and noted present at 3:54 p.m.

101273 [Accept and Expend Grant - Department of Public Library - Staff Education Program - $10,512]

Sponsor: Chu

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $10,512 from the California State Library as part of the Federal Library Services and Technology Act for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education.

ADOPTED

101274 [Accept and Expend Grant - Arts Commission - Koret Foundation for ArtCare Program - $15,000]

Sponsor: Dufty

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $15,000 from the Koret Foundation for general operating support of the ArtCare program.

ADOPTED

101276 [Preventing Bullying and Suicide of Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Youth]

Sponsors: Campos; Dufty, Alioto-Pier, Mar and Avalos

Resolution affirming the importance of maintaining a safety net for LGBTQ youth, and encouraging schools, colleges, and universities to prevent bullying and raise awareness about LGBTQ suicide prevention services.

Supervisors Mar and Avalos requested to be added as a co-sponsors.

ADOPTED

101278 [Proclaiming November 5, 2010, as Angels in America Day]

Sponsors: Dufty; Campos

Resolution proclaiming November 5, 2010, as Angels in America Day in San Francisco to recognize the tremendous worldwide impact Tony Kushner's play has had since it first premiered at San Francisco's Eureka Theater in 1991.

ADOPTED

101279 [Accept and Expend Grant - Arts Commission - Tulsa Community Foundation for ArtCare Program - $5,000]

Sponsor: Dufty

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $5,000 from the Tulsa Community Foundation for general operating support of the ArtCare program.

ADOPTED

101280 [Supporting Greenhouse Gas Reduction Targets]

Sponsor: Mar

Resolution supporting the California Air Resources Board's leadership in developing and implementing strategies for meeting California's greenhouse gas reduction targets, and in promoting emission reductions from motor vehicles.

ADOPTED

101281 [Issuance and Sale of Revenue Bonds - 2235-3rd Street Apartments - Not to Exceed $60,000,000]

Sponsor: Maxwell

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments Finance Authority For Nonprofit Corporations in an aggregate principal amount not to exceed $60,000,000 for financing the acquisition, construction and rehabilitation of 2235-3rd Street Apartments, subject to the policies for such approvals adopted by the Board of Supervisors.

ADOPTED

101277 [Waiver Permitting City Employees to Assist the Department of Elections with the November 2, 2010, Consolidated General Election]

Sponsor: Chiu

Motion granting a waiver from the prohibition imposed by Charter Section 13.104.5, to permit City employees to assist the Department of Elections with the November 2, 2010, Consolidated General Election.

Motion No. M10-154

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 101257 be severed so that it may be considered separately.

101257 [Condemning the September 24, 2010, FBI Raids]

Sponsors: Mar; Daly, Campos and Avalos

Resolution condemning the September 24, 2010, FBI raids on Trade Union, Anti-War, and Solidarity Activists.

Supervisor Avalos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

101288 [Settlement of Lawsuit - Cheryl Austin - $268,452]

Ordinance authorizing settlement of the lawsuit filed by Cheryl Austin against the City and County of San Francisco for $268,452, inclusive of attorneys' fees and costs; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498110; entitled Cheryl Austin v. City and County of San Francisco. (City Attorney)

10/06/10; RECEIVED AND ASSIGNED to Rules Committee.

101289 [Settlement of Lawsuit - Nyree Monroe - Up to $31,000]

Ordinance authorizing settlement of the lawsuit filed by Nyree Monroe against the City and County of San Francisco for up to $31,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498109; entitled Nyree Monroe v. City and County of San Francisco; other material terms of said settlement are reinstatement. (City Attorney)

10/06/10; RECEIVED AND ASSIGNED to Rules Committee.

101290 [Settlement of Lawsuit - Edward Kriete - $575,000]

Ordinance authorizing settlement of the lawsuit filed by Edward Kriete against the City and County of San Francisco for $575,000; the lawsuit was filed on April 17, 2009, in the San Francisco Superior Court, Case No. CGC 09-487483, entitled Edward Kriete v. City and County of San Francisco. (City Attorney)

10/06/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

101291 [Endorsement of Term Sheet - Port Commission - Seawall Lot 351/8 Washington Project at Washington/The Embarcadero]

Resolution endorsing the proposed Seawall Lot 351/8 Washington Project at Washington/The Embarcadero Term Sheet between San Francisco Waterfront Partners II, LLC and the San Francisco Port Commission. (Port)

10/06/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101294 [Airport Professional Services Agreement - Curbside Management Program - Not to Exceed $26,000,000]

Resolution approving the Professional Services Agreement, Airport Contract 8994 - to Manage and Staff the Curbside Management Program between FSP PPM Management, LLC and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed $26,000,000, pursuant to San Francisco Charter Section 9.118(b). (Airport Commission)

10/07/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101298 [Gift Acceptance - Police Department - Two Automobiles from KKI Productions - $31,239.30]

Resolution authorizing the San Francisco Police Department to accept as gifts from KKI Productions a 2007 Honda Accord with mileage of 33,681 valued at $15,571.44 and a 2008 Toyota Corolla S-Type with mileage of 32,518 valued at $15,667.86. These automobiles will be placed into the general fleet of vehicles assigned to the San Francisco Police Department.

10/08/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:18 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, October 26, 2010 - 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

OCT 29 2010

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Dufty, seconded by Supervisor Avalos, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Maxwell, moved to approve the Board Meeting Minutes of September 14, 2010, and September 21, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101104 [Public Employment - Department of the Environment]

Sponsor: Mayor

Ordinance amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of two positions: one (1) Class 5640 Environmental Specialist, one (1) Class 5644 Environmental Manager in the Department of the Environment.
(Fiscal Impact.)

FINALLY PASSED

101154 [Accept and Expend Grant - Office of the Public Defender - Rosenberg Foundation and Amendment to the Annual Salary Ordinance FY2010-2011 - $47,000]

Sponsor: Mirkarimi

Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of $47,000 from the Rosenberg Foundation, via Institute for Local Governance, to develop a California Reentry Council Network to assist in the development of statewide capacity to improve reentry policies and programs, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect addition of one (1) temporary Class 8173 Legal Assistant, grant-funded position (0.55 FTE), in the Office of the Public Defender.

FINALLY PASSED

101159 [Taxable and/or Tax Exempt Certificates of Participation for Various Capital Improvements - Not to Exceed $48,000,000]

Sponsor: Mayor

Ordinance authorizing the execution and delivery of Certificates of Participation in an aggregate principal amount not to exceed $48,000,000 to finance the acquisition, construction, improvement and installation of certain street improvements and of various disability access improvement projects; approving the form of a Second Supplement to Trust Agreement between the City and County of San Francisco and the Trustee named therein (including certain indemnities contained therein); approving the form of a Second Supplement to Property Lease between the City, as lessor, and the Trustee, as lessee; approving the form of a Second Supplement to Project Lease between the Trustee, as lessor, and the City, as lessee; approving the form of an Official Notice of Sale and Notice of Intention to Sell for the Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Certificates of Participation, if sold by negotiated sale; delegating to the Director of Public Finance the authority to sell the Certificates of Participation by either a competitive or negotiated sale; approving the form of a Purchase Contract between the City and the underwriter(s) selected in accordance herewith, if the Certificates of Participation are sold by negotiated sale; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

100881 [Zoning Map Amendment - 1717-17th Street to Conform with Lot Line Adjustment]

Sponsor: Maxwell

Ordinance amending the San Francisco Zoning Map by amending the lot reference applicable to 1717-17th Street, and an adjacent property, referred to as 495 DeHaro Street, so that the height district applicable to each lot in its entirety is 48-X and 45-X, respectively, in conformance with a lot line adjustment between the subject properties; and making various findings, including environmental findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

100917 [Planning Code Amendments - Area Plan Impact Fee and Jobs-Housing Linkage Program]

Sponsors: Avalos; Mar

Ordinance amending the San Francisco Planning Code sections related to Area Plan Impact Fees (Rincon Hill, Market and Octavia, Eastern Neighborhoods, and Balboa Park) and Jobs-Housing Linkage Fee to (1) improve Planning Code readability and ease of application with regard to impact fees; (2) create consistent definitions and application across the Area Plan Impact Fee and Jobs-Housing Linkage Fee provisions; (3) better recognize and account for the impact of existing conditions of development sites affected by the Area Plan Impact Fees and the Jobs-Housing Linkage Fee; (4) promote adaptive re-use of existing buildings in the Eastern Neighborhoods; and (5) clarify the impact fees associated with the Eastern Neighborhoods' on-going "legitimization" program; and adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

Supervisor Mar requested to be added as a co-sponsor.

FINALLY PASSED

101200 [Planning Code - Preservation, Rehabilitation and Maintenance of Preservation Lots; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Sponsors: Chiu, Maxwell and Mar

Ordinance amending Section 128 of the San Francisco Planning Code to require approval of a plan for preservation, rehabilitation, and maintenance of a Preservation Lot property prior to receipt of a Statement of Eligibility for Transferable Development Rights (TDR), to establish reporting procedures regarding the preservation, rehabilitation, and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Mar requested to be added as a co-sponsor.

FINALLY PASSED

101258 [Functional Classification Change for Local Streets]

Resolution approving the Department of Public Works recommended changes to the Functional Classification of local streets and roads and directing the Department to submit this resolution to the State of California, Department of Transportation. (Public Works Department)

ADOPTED

Recommendation of the Public Safety Committee

100963 [Healthy Nail Salon Recognition Program]

Sponsors: Chiu; Maxwell, Alioto-Pier, Chu, Mirkarimi, Mar and Campos

Ordinance amending the San Francisco Administrative Code by adding Chapter 27, Sections 27.1 through 27.6, to create a program to recognize nail salons that use nail polishes free of the toxic chemicals toluene, dibutyl phthalate, and formaldehyde.

FINALLY PASSED

Recommendations of the Rules Committee

100472 [Access Appeals Commission - Notice to the Mayor's Office of Disability]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Building Code by adding Section 105A.3.10 to require that an agenda and packet of materials for each matter to be decided by the Access Appeals Commission shall be sent to the Mayor's Office of Disability at the same time and in the same manner as they are sent to the Commission members.

FINALLY PASSED

100910 [Settlement of Lawsuit - California Department of Fair Employment and Housing (Zimmerman) - $105,000]

Ordinance authorizing settlement of the lawsuit filed by the California Department of Fair Employment and Housing (Plaintiff), Linda Zimmerman (Real Party in Interest) against the City and County of San Francisco for $105,000, the lawsuit was filed on March 4, 2009, in San Francisco Superior Court, Case No. CGC-09-485723; entitled Department of Fair Employment and Housing (Zimmerman) v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

100911 [Settlement of Lawsuit - Michael Lew - $90,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Lew against the City and County of San Francisco for $90,000, including reemployment and restoration of vacation and sick leave; the lawsuit was filed on May 11, 2009, in San Francisco Superior Court, Case No. CGC-09-488262; entitled Michael Lew v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

100959 [Settlement of Lawsuit - Carlos Garcia - $2,400,000]

Ordinance authorizing settlement of the lawsuit filed by Carlos Garcia against the City and County of San Francisco for $2,400,000; the lawsuit was filed on December 5, 2005, in San Francisco Superior Court, Case No. CGC-05-447342; entitled Carlos Garcia, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

101008 [Centralized and Publicly Accessible Online Database of Appointments to Advisory Bodies]

Sponsors: Chiu; Chu, Alioto-Pier and Mar

Ordinance amending the San Francisco Administrative Code by adding Sections 1.57-1 through 1.57-5, to provide for the establishment and maintenance of a centralized and publicly accessible online database of information concerning appointments made by Appointing Authorities to City and County of San Francisco advisory bodies.

FINALLY PASSED

101231 [Settlement of Lawsuit - Galliera, Inc. dba Trico Construction - $700,000]

Ordinance authorizing settlement of the lawsuit filed by Galliera, Inc. dba Trico Construction against the City and County of San Francisco for $700,000; the lawsuit was filed on December 29, 2008, in San Francisco Superior Court, Case No. CGC-08-483555, entitled Galliera, Inc. dba Trico Construction v. City and County of San Francisco, et al.; other material terms of the settlement are: (1) the settlement includes the consolidated action Cal Centurian Construction, Inc. dba RWR Construction v. Galliera, Inc. dba Trico Construction, et al., San Francisco Superior Court, Case No. CGC-09-485849, (2) the settlement includes all cross-complaints, (3) mutual releases except for warranties, guarantees, latent defects, and personal injury, (4) dismissal of all complaints and cross-complaints with prejudice, and (5) each party to bear its own attorneys fees and costs. (City Attorney)

FINALLY PASSED

101232 [Settlement of Lawsuit - Jeri D. Sessler - $75,000]

Ordinance authorizing settlement of the lawsuit filed by Jeri D. Sessler against the City and County of San Francisco for $75,000; the lawsuit was filed on June 3, 2009, in San Francisco Superior Court, Case No. CGC-09-488998; entitled Jeri D. Sessler, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

101158 [Taxable and/or Tax Exempt Certificates of Participation (HOPE SF) - Not to Exceed $38,000,000]

Sponsor: Mayor

Ordinance authorizing the execution and delivery of Taxable and/or Tax Exempt Certificates of Participation (HOPE SF) in an aggregate principal amount not to exceed $38,000,000 to finance certain capital improvement projects; approving the form of a Trust Agreement between the City and County of San Francisco and the trustee (including certain indemnities contained therein); granting authorization for the selection of a trustee; approving the form of a Property Lease between the City and the Trustee named therein relating to certain property generally known as the Mission Police Station, certain property generally known as the Bayview Station of the San Francisco Police Department and certain other City-owned property; approving the form of a Project Lease between the City and the Trustee (including certain indemnities contained therein); delegating to the Director of Public Finance the authority to sell the Certificates of Participation by either a competitive or negotiated sale; approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF), if sold by competitive sale; authorizing certain actions relating to the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF), if sold by negotiated sale including approving the form of a Purchase Contract between the City and an underwriter named therein; approving the form of an Official Statement in preliminary form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Taxable and/or Tax Exempt Certificates of Participation (HOPE SF); approving modifications to documents; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

101192 [Appropriating $38,000,000 of Certificate of Participation Proceeds for the HOPE SF Development Project in the Mayor's Office of Housing for FY2010-2011]

Sponsors: Mayor; Maxwell

Ordinance appropriating $38,000,000 of Certificate of Participation Series 2011B proceeds to fund the HOPE SF Development Project sponsored by Hunters View Associates in the Mayor's Office of Housing for FY2010-2011 and placing these funds on Controller's reserve pending issuance of the COPs or associated commercial paper used for cash flow purposes in FY2010-2011.
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101197 [Contract Approval - Municipal Transportation Agency - Capital Program Controls System Procurement and Related Support Services - Not to Exceed $22,268,541]

Sponsor: Chu

Resolution approving the San Francisco Municipal Transportation Agency Contract No. CS-156, Agency Capital Program Controls System Procurement, and Related Support Services, to Hill International, as negotiated, for an amount not to exceed $22,268,541 for a term not to exceed eight years, with expenditures limited to $13,481,000 pending receipt and certification of additional funding.
(Fiscal Impact.)

Privilege of the floor was granted to Arthur Wong (MTA) who responded to questions raised throughout the discussion regarding File No. 101197.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101199 [Accept and Expend Grant - Department of Public Health - State Vocational Rehabilitation Services Program - $7,685,055]

Sponsor: Maxwell

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the California Department of Rehabilitation in the total amount of $7,685,055 to provide vocational rehabilitation services to clients for the period July 1, 2010, through June 30, 2013, waiving indirect costs.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101215 [Leases of Real Property at 729 Filbert Street, 650 Fifth Street, 160 South Van Ness Avenue, and 109 New Montgomery Street]

Resolution authorizing the amendment of four existing leases (at 729 Filbert Street, 650 Fifth Street, 160 South Van Ness Avenue, and 109 New Montgomery Street) to reduce the rent and extend the lease term for the Department of Public Health, Human Services Agency, and the Department of Child Support Services. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101252 [Amendment to the Redevelopment Agency Budget - Not to Exceed $520,743]

Sponsor: Mayor

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY2010-2011 by authorizing expenditures in an amount not to exceed $520,743 for personnel positions associated with the implementation of the Candlestick Point - Hunters Point Shipyard Phase 2 Project.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101213 [Airline/Airport 2011 Lease and Use Agreement with Various Airlines]

Resolution approving six new Airline/Airport Lease and Use Agreements between the City and County of San Francisco and various airlines, effective July 1, 2011, to allow such Airlines to conduct domestic and international flight operations at San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101214 [Airline/Airport Lease and Use Agreement and Lease and Operating Agreement Modifications with Alaska Airlines, Inc., and Continental Airlines, Inc.]

Resolution approving modifications to the terms of two Airline/Airport Lease and Use Agreements between the City and County of San Francisco and Alaska Airlines, Inc., and Continental Airlines, Inc., to allow such Airlines to modify the rental of Terminal Space. (Airport Commission)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendations of the Government Audit and Oversight Committee

101156 [Memorandum of Understanding, Amendment No. 2 - Service Employees International Union, Local 1021 (H-1 Fire Rescue Paramedics)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, by extending the term of the parties' agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101157 [Amending the Employee Relations Ordinance to Update Provisions Consistent with State and Local Law and Related Clean-Up Provisions]

Sponsor: Mayor

Ordinance amending Section 16.200 through Section 16.222 of the San Francisco Administrative Code regarding Employee Relations to update provisions consistent with state and local law and related clean-up provisions.

Supervisor Mar, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED ON FIRST READING to November 9, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee

100878 [San Francisco Fire Code - Repealing and Replacing]

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2010 San Francisco Fire Code consisting of the 2010 California Fire Code and portions of the 2009 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (Fire Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100946 [San Francisco Building Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Building Code in its entirety and replacing that Code with a new 2010 San Francisco Building Code that consists of the 2010 California Building Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100950 [San Francisco Building Code - Residential Building - Repealing and Replacing]

Ordinance incorporating the provisions of the 2010 California Residential Code into various chapters of the San Francisco Building Code with local amendments, and adding Chapter 36 to serve as a directory of where such provisions may be found in the San Francisco Building Code; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101128 [San Francisco Building Code - Green Building - Repealing and Replacing]

Ordinance repealing Chapter 13C of the San Francisco Building Code in its entirety and enacting a new Chapter 13C that consists of the 2010 California Green Building Standards Code with local amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and Public Resources Code Section 25402.1(h)(2), and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100952 [San Francisco Electrical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Electrical Code in its entirety and replacing that code with a new 2010 San Francisco Electrical Code that consists of the 2010 California Electrical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101126 [San Francisco Mechanical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Mechanical Code in its entirety and replacing that code with a new 2010 San Francisco Mechanical Code that consists of the 2010 California Mechanical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101127 [San Francisco Plumbing Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Plumbing Code in its entirety and replacing that code with a new 2010 San Francisco Plumbing Code that consists of the 2010 California Plumbing Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendations of the Public Safety Committee

100455 [San Francisco Safe Drug Disposal Ordinance]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2209, to require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources and to provide for implementation, enforcement, fees, and penalties, and making environmental findings.
(Supervisor Elsbernd dissented in Committee.)

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to November 23, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

101062 [Updating Enforcement and Compliance Procedures for Nuisance]

Sponsors: Avalos; Campos

Ordinance amending the San Francisco Health Code Articles 6 and 11 by amending Sections 580, 581, 596, 599, and 600, and adding Sections 292.5, 596.5, 602.3, and 610 to: 1) add requirements for Refuse collection and storage in multi-story residential facilities; 2) update nuisance definitions; 3) add potential attorneys' fees recovery for the prevailing party in those cases which the City elects to recover attorneys' fees; 4) require owners of rental property to provide contact information to the Department; 5) add civil penalties; and 6) expand administrative penalties and procedures. (Supervisor Elsbernd dissented in Committee.)

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Avalos, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED ON FIRST READING to November 16, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Daly, seconded by Supervisor Chiu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Supervisor Daly, shared in song by introducing, welcoming, and presenting a Certificate of Honor to Walter Paulson in recognition of his continued community interest.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Tom Hennessy and Abbie Yant of the St. Francis Hospital in recognition of their assistance during a recent fire on Hyde Street and for their continued community support.

Supervisor Dufty, on behalf of Supervisor Alioto-Pier, provided an overview of the Restaurant Appreciation Month commendation proceedings. Introductions and Certificates of Honor, in recognition of Restaurant Appreciation Month were presented as follows:

Supervisor Mar to Burma Superstar;
Supervisor Dufty, on behalf of Supervisor Alioto-Pier, to The Grove;
Supervisor Chu, shared by Supervisor Elsbernd, to Java Beach Café;
Supervisor Mirkarimi to Ebisu Japanese/Sushi and 1300 Restaurant;
Supervisor Daly to Fritz;
Supervisor Dufty to Chenery Park;
Supervisor Campos to Escape from New York Pizza;
Supervisor Maxwell to Piccino Restaurant;
Supervisor Avalos to Zabb Thai Cuisine;
Supervisor Chiu to Helmand Palace; and
Kelly Pretzer (OEWD), on behalf of Mayor Newsom, to Beretta.

Privilege of the floor was granted to Kevin Weslye (Golden Gate Restaurant Association) who shared in the recognitions for Restaurant Appreciation Month.

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to the staff of Jail Health Services in recognition of their accomplishments and continued community support. Supervisors Campos and Maxwell shared in the recognition.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Privilege of the floor was granted to Joseph Smooke, Executive Director of the Bernal Heights Neighborhood Center, and Carlos Vela, who shared in the memory of Mauricio Vela.

Supervisor Elsbernd was noted absent at 3:15 p.m. and noted present at 3:47 p.m.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; shared in the memory of Mauricio Vela and expressed concerns relating to the SF Public Library.
Male Speaker; expressed various concerns.
Female Speaker; expressed concerns relating to Ferry Park.
Doug Muller; expressed various concerns relating to current labor strike.
Peter Alexander; expressed various concerns relating to current labor strike.
Marilyn Amini; expressed concerns relating to bicycle legislation.
Kenneth Tibet; expressed concerns relating to diet related diseases.
Carla Beba; expressed concerns relating to diet related diseases.
Nino Parker; expressed concerns relating to grafitti.
Male Speaker; expressed various religious concerns.
Rosario Serrvantes; expressed concerns relating to child care funding legislation.
Willow Lancaster; expressed concerns relating to child care funding legislation.
Junebug; expressed concerns relating to child care funding legislation.
Mary Markowitz; expressed concerns relating to child care funding legislation.
Maria Gustav; expressed concerns relating to child care funding legislation.
Renee Rivera; expressed concerns relating to bicycle legislation.
Donna Wilma; expressed concerns relating to Clipper Card transition.
Isiah Wilson; expressed concerns relating to poll worker training.
Peter Warfield; shared in the memory of Mauricio Vela and expressed concerns relating to the SF Public Library.
Jan Bornprom; expressed concerns relating to identify fraud.
Edmond Juicye; expressed various concerns.
Mr. Wright; expressed concerns relating to child care funding legislation..
Rachel; expressed various concerns.
John Jankel; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101319 [Encourage a Goal of 20% of Trips by Bicycle by 2020]

Sponsors: Chiu; Dufty, Mirkarimi, Maxwell, Mar and Campos

Resolution encouraging departments and agencies of the City and County of San Francisco to adopt a goal of 20% of trips by bicycle by 2020.

Supervisors Mar and Campos requested to be added as co-sponsors.

ADOPTED

101320 [Parkside Branch Library Reopening]

Sponsors: Chu; Campos

Resolution recognizing the Grand Reopening of the Parkside Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

101321 [Issuance and Sale of Revenue Bonds - Crescent Manor - 467 Turk Street]
Sponsor: Daly

Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principle amount not to exceed $11,000,000 for financing the acquisition, construction, and rehabilitation of Crescent Manor - 467 Turk Street, subject to the policies for such approvals adopted by the Board of Supervisors.

ADOPTED

101322 [Accept and Expend Grant - PSI/Myanmar Collaborative Impact Study Planning - $7,993]
Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $7,993 from the University of California San Francisco (UCSF), to participate in a program entitled "PSI/Myanmar Collaborative Impact Study Planning" for the period of May 1, 2010, through June 29, 2010.

ADOPTED

101323 [Accept and Expend Grant - Tanzania Support President's Emergency AIDS Plan - $27,062]
Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $27,062 from the University of California San Francisco (UCSF), to participate in a program entitled "Tanzania UCSF Technical Assistance to Support the President's Emergency Plan for AIDS" for the period of April 1, 2010, through September 29, 2010.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 101328 be severed so that it may be considered separately.

101328 [Urging the Governor of California to Reinstate Stage 3 Child Care Funding]
Sponsors: Mar; Chiu, Campos and Dufty

Resolution urging the Governor of California to reinstate Stage 3 child care funding of $256,000,000 to protect 1,214 children in San Francisco and 81,000 children in California and to save thousands of jobs and urge the First 5 Commission to provide bridge funding until December 2010.

Supervisors Campos and Dufty requested to be added as co-sponsors.

Privilege of the floor was granted to Michele Rutherford (DHS) who responded to questions raised throughout the discussion regarding File No. 101328.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

101301 [Approval of Contract - AnsaldoBreda, Inc. - Repair of Damaged LRVs - Not to Exceed $32,854,622]

Resolution approving Contract No. CPT 626.02, repair of damaged light rail vehicles, between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and AnsaldoBreda, Inc., to rebuild up to seven damaged light rail vehicles, in an amount not to exceed $32,854,622, and for a term not to exceed six years, with expenditures limited to $13,000,000 pending certification of additional funding. (Municipal Transportation Agency)

10/18/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101302 [Harry Tracy Water Treatment Plant Improvements Project Findings]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Harry Tracy Water Treatment Plant Long-Term Improvements Project No. CUW36701, part of the Water System Improvement Program, for the improvements to the regional water supply system and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

10/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101304 [Crystal Springs Pipeline Number Two Replacement Project Findings]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Crystal Springs Pipeline Number 2 Replacement Project No. CUW37801, part of the Water System Improvement Program for the improvements to the regional water supply system and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

10/15/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101305 [Lower Crystal Springs Dam Improvements Project Findings]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Lower Crystal Springs Dam Improvements Project No. CUW35401, including the Mitigation Habitat Actions at ten sites mostly in San Mateo County and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

10/15/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101306 [Purchase Agreement - Permanent Access Road Easement - Stanislaus County - $500]

Resolution approving and authorizing an agreement for the purchase of a permanent access road easement totaling 751 square feet over a portion of Assessor's Parcel Numbers 016-002-011 and 016-002-012 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 (the Project) for a purchase price of $500; adopting findings under the California Environmental Quality Act (CEQA); adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

10/18/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101307 [Purchase Agreement - Permanent Access Road Easement - Stanislaus County - $2,500]

Resolution approving and authorizing an agreement for the purchase of a permanent access road easement totaling 398 square feet over a portion of Assessor's Parcel Number 016-002-048 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 (the Project) for a purchase price of $2,500; adopting findings under the California Environmental Quality Act (CEQA); adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

10/18/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:01 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, November 2, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

NOV - 5 2010

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of September 28, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

President, David Chiu, announced and congratulated the San Francisco Giants for winning the 2010 World Series; encouraged all citizens to vote at today's election; and recognized San Francisco's Court School 2010 youth in attendance. There were no other communications.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

101282 [Accept and Expend Grant - The ARTery Project - $250,000]

Sponsors: Mayor; Dufty

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $250,000 from the National Endowment for the Arts for the Mid Market Cultural District Partnership, now called The ARTery Project.

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

100296 [Liquor License - 2367-2371 Market Street]

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Pornchai Hutachinda for P H Holdings, Inc., dba the Cafe, located at 2367-2371 Market Street (District 8), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

101196 [Gift Acceptance - Equipment and Furnishings - $155,013]

Sponsors: Chiu; Elsbernd

Resolution authorizing the Recreation and Park Department to accept a gift of equipment and furnishings valued at $155,013 from the San Francisco Parks Trust Gear-up Campaign to be used at Hamilton Recreation Center, Midtown Terrace Playground, Harvey Milk Center for the Recreational Arts, Sunnyside Conservatory, Sunnyside Clubhouse, and other Recreation and Park Department facilities.

ADOPTED

101198 [Accept and Expend Grant - Screening, Brief Intervention, and Referral to Treatment Project - $25,331]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of $25,331 from the University of California, San Francisco, to fund the Screening, Brief Intervention, and Referral to Treatment project, and to enter into an agreement for the use of these funds for the period of September 30, 2009, through September 29, 2010.

ADOPTED

101251 [Accept and Expend Grant - Youth Stewardship Program - $165,000]

Sponsor: Maxwell

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a grant in the amount of $165,000 to support the San Francisco Recreation and Park Department's Youth Stewardship Program for the period of October 1, 2010, through October 1, 2015.

ADOPTED

101275 [Accept and Expend Grant - Illegal Dumping Abatement Project - Not to Exceed $350,000]

Sponsor: Maxwell

Resolution authorizing the Director of the Department of Public Works to apply for, accept and expend a grant in the amount of up to but not to exceed $350,000 from the Solid Waste Disposal Clean-up Site Trust Fund for clean-up of illegal dumping sites in San Francisco.

ADOPTED

101298 [Gift Acceptance - Two Automobiles from KKI Productions - $31,239.30]

Resolution authorizing the San Francisco Police Department to accept as gifts from KKI Productions a 2007 Honda Accord with mileage of 33,681 valued at $15,571.44 and a 2008 Toyota Corolla S-Type with mileage of 32,518 valued at $15,667.86. These automobiles will be placed into the general fleet of vehicles assigned to the San Francisco Police Department.

ADOPTED

Recommendation of the Government Audit and Oversight Committee

101156 [Memorandum of Understanding, Amendment No. 2 - Service Employees International Union, Local 1021 (H-1 Fire Rescue Paramedics)]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 2 to the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, by extending the term of the parties' agreement through June 30, 2013, and by implementing specified terms and conditions of employment for FYs 2010-2011, 2011-2012, and 2012-2013.

Ordinance No. 254-10

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

100878 [Fire Code - Repealing and Replacing]

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2010 San Francisco Fire Code consisting of the 2010 California Fire Code and portions of the 2009 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (Fire Department)

FINALLY PASSED

100946 [Building Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Building Code in its entirety and replacing that Code with a new 2010 San Francisco Building Code that consists of the 2010 California Building Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

FINALLY PASSED

100950 [Building Code - Residential Building - Repealing and Replacing]

Ordinance incorporating the provisions of the 2010 California Residential Code into various chapters of the San Francisco Building Code with local amendments, and adding Chapter 36 to serve as a directory of where such provisions may be found in the San Francisco Building Code; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

FINALLY PASSED

100952 [Electrical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Electrical Code in its entirety and replacing that code with a new 2010 San Francisco Electrical Code that consists of the 2010 California Electrical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

FINALLY PASSED

101126 [Mechanical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Mechanical Code in its entirety and replacing that code with a new 2010 San Francisco Mechanical Code that consists of the 2010 California Mechanical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

FINALLY PASSED

101127 [Plumbing Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Plumbing Code in its entirety and replacing that code with a new 2010 San Francisco Plumbing Code that consists of the 2010 California Plumbing Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

FINALLY PASSED

101128 [Building Code - Green Building - Repealing and Replacing]

Ordinance repealing Chapter 13C of the San Francisco Building Code in its entirety and enacting a new Chapter 13C that consists of the 2010 California Green Building Standards Code with local amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and Public Resources Code Section 25402.1(h)(2), and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

FINALLY PASSED

Recommendations of the Rules Committee

101292 [Appointments, Immigrant Rights Commission - Vera Haile, Samer Danfoura, Teresa Chee, and Elahe Enssani]

Motion to appointing Vera Haile, Samer Danfoura, Teresa Chee, and Elahe Enssani, terms ending June 6, 2012, to the Immigrant Rights Commission. (Clerk of the Board)

Motion No. M10-155

APPROVED

101293 [Appointment, Commission on the Aging Advisory Council - Catherine Rose Russo]

Motion appointing Catherine Rose Russo, term ending March 31, 2012, to the Commission on the Aging Advisory Council. (Clerk of the Board)

Motion No. M10-156

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Daly requested that File No. 100899 be severed so that it may be considered separately.

100899 [Appointment, Entertainment Commission - Timothy Benetti]

Motion appointing Timothy Benetti, term ending July 1, 2014, to the Entertainment Commission. (Clerk of the Board)

Motion No. M10-157

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Daly, Elsbernd

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Economic Development Committee

101096 [Health Code - Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or Other Youth Focused Incentive Items]

Sponsors: Mar; Campos, Chiu and Avalos

Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.8, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.9, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101248 [Appropriating $85,000,000 of General Obligation Bonds for the Department of Public Works and the Public Utilities Commission for FY2010-2011]

Sponsors: Mayor; Chiu

Ordinance appropriating $85,000,000 of the 2010 Series 1 Earthquake Safety and Emergency Response General Obligation Bond proceeds including $76,603,071 to the Department of Public Works, and $8,396,929 to the Public Utilities Commission for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster for FY2010-2011, and placing these funds on Controller's Reserve pending the sale of the bonds.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101268 [Waiver of Street Encroachment Inspection Fee for Golden Gate Transportation District]

Sponsor: Elsbernd

Ordinance waiving the Street Encroachment Permit Inspection Fee established through Public Works Code Section 2.1.1 for signs related to bus service for the Golden Gate Bridge, Highway, and Transportation District.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101269 [Accept and Expend Grant - Probation Specialized Supervision Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - $300,000]

Sponsor: Maxwell

Ordinance authorizing the Department of Adult Probation to retroactively accept and expend a grant in the amount of $300,000 from the California Emergency Management Agency for Probation Specialized Supervision Program federally funded through the Violence Against Women Act and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) grant-funded positions (.75 FTE) in Class 8444 Deputy Probation Officer, (.50 FTE) in Class 9920 Public Service Aide/Probation Aide, and (.50 FTE) in Class 9920 Public Service Aide/Probation Aide at the Department of Adult Probation.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101270 [Accept and Expend Grant - San Francisco Reentry Courts and Amendment to the Annual Salary Ordinance for FY2010-2011 - $500,000]

Sponsor: Mirkarimi

Ordinance authorizing the Adult Probation Department to retroactively accept and expend a grant in the amount of $500,000 from the Office of Justice Programs for funding under the Second Chance Act State, Local and Tribal Reentry Courts, and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of (4) four grant funded positions; (.20 FTE) in Class 8138 Court Reporter at the Adult Probation Department, (.20 FTE) in Class 8113 Court Clerk at the Adult Probation Department, (.40 FTE) in Class 8177 Attorney at the Office of the Public Defender (PDR) and (.75 FTE) in Class 2912 Sr. Social Worker at the Department of Public Health.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101228 [Contract Modification - Hamilton Family Center - $180,000]

Resolution concurring with the Human Services Agency's Declaration of Emergency to modify the contract between the City and County of San Francisco and Hamilton Family Center to provide emergency elevator repairs for the family shelter in the amount of $180,000. (Human Services Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101255 [Issuance of General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010) - Not to Exceed $412,300,000]

Sponsors: Mayor; Chiu

Resolution providing for the issuance of not to exceed $412,300,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010); authorizing the execution, authentication, and registration of said bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; adopting certain CEQA findings and determinations; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101256 [Sale of General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010) - Not to Exceed $85,000,000]

Sponsors: Mayor; Chiu

Resolution authorizing and directing the sale of not to exceed $85,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010), Series 2010E (Tax-Exempt), and City and County of San Francisco General Obligation Bonds (Earthquake Safety and Emergency Response Bonds, 2010), Series 2010F (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; adopting certain CEQA findings and determinations; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101316 [Board Review and Approval of 2010 United States Department of Housing and Urban Development Continuum of Care Programs Application]

Sponsor: Mayor

Resolution approving the City and County of San Francisco 2010 Grant Application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors' review and approval process for all annual or otherwise recurring grants of $5,000,000 or more.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101318 [Resolution of Intention to Form the Civic Center Community Benefit District]

Sponsor: Mayor

Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Civic Center Community Benefit District" and levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; (5) directing environmental findings; and (6) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting, as required by law.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendation of the City Operations and Neighborhood Services Committee

101009 [Environment Code - Healthy Air and Clean Transportation Program]

Sponsors: Mayor; Dufty, Mar, Campos

Ordinance (1) amending the San Francisco Environment Code by repealing current Sections 400 through 409, and adopting new Sections 400 through 424; (2) amending the San Francisco Environment Code by amending current Sections 410, 411, and 421 and re-numbering them as Sections 425, 426, and 427 respectively; and (3) amending the San Francisco Administrative Code by amending Section 4.10-1, all to establish and implement a new Healthy Air and Clean Transportation Program, providing for the gradual conversion of the City's vehicle fleet to clean air vehicles and the gradual reduction of the overall number of passenger vehicles and light duty trucks in the City's vehicle fleet by 20 percent; and making environmental findings.

Supervisors Mar and Campos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty, seconded by Supervisor Campos, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Daly, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

Supervisor Daly Excused from Voting

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that Supervisor Daly be excused from voting on File No. 100046. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

100046 [Planning Code, Administrative Code - Amending Inclusionary Housing Ordinance]

Sponsors: Mayor; Chiu

Ordinance amending the Planning Code and Administrative Code by amending the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315, et seq.) (Program) and to require all project applicants to pay the Affordable Housing Fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Sections 416 and 417 to make conforming amendments to the Inclusionary Affordable Housing Program; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

Supervisor Chiu, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

Ordinance amending the Planning Code and Administrative Code by amending the Residential Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315 et seq.) (the "Program") to change the name of the Program to the Affordable Inclusionary Affordable Housing Program and to require all project applicants to pay the Affordable Housing Fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Sections 416 and 417 to make conforming amendments to the Inclusionary Affordable Housing Program; amending the Van Ness Market Special Use District, Section 249.33, to delete the provision that a project sponsor may only meet up to 50% of the Program's requirements through payment of the fee; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED AS AMENDED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Daly

100829 [Planning Code - Car-Share Controls]

Sponsors: Chiu; Mar and Maxwell

Ordinance amending the San Francisco Planning Code, including Section 151.1 to enable the Planning Commission to require the provision of annual memberships to certified car-share organizations to residents of certain new development projects when certain findings are made; Section 163 to promote car-share services as a component of transportation management programs and transportation brokerage services; and Section 166 to permit car-share spaces in the same manner as residential accessory parking and require that car-sharing requirements for non-residential uses apply to all zoning districts; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101216 [Mission Bay South - Fourth Street, Channel Street, and Third Street Public Infrastructure Improvements]

Ordinance accepting the irrevocable offers of property along portions of Channel Street and Third Street and the irrevocable offers of improvements of public infrastructure improvements, including acquisition facilities on Channel Street, Fourth Street, and Third Street; dedicating such improvements for public use; declaring such areas as shown on Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,869; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101217 [Mission Bay South - Blocks 10-10A Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 10-10A including acquisition facilities on China Basin Street, Terry A. Francois Boulevard and Mission Bay Boulevard North; declaring City property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,870; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101218 [Mission Bay South - Storm Water Pump Station No. 6 Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 6 including acquisition facilities located on and under Bayfront Park along Terry A. Francois Boulevard; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,871; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

101246 [Administrative Code - Medical Cannabis Task Force Membership, Powers, and Duties]

Sponsor: Campos

Ordinance amending San Francisco Administrative Code by amending Sections 5.2-3 and 5.2-5 to: (1) increase the number of members of the San Francisco Medical Cannabis Task Force (Task Force) from 13 to 15; (2) establish qualifications for the two members added to the Task Force; and (3) expand powers and duties of the Task Force to include developing and making recommendations to the Board of Supervisors about local regulation of medical cannabis in the event that State Proposition 19 is approved by the voters in the election held on November 2, 2010.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100907 [Appointments, San Francisco Relocation Appeals Board - Steven Jin Lee and Natividad M. Ramirez]

Sponsor: Mayor

Motion confirming the appointments of Steven Jin Lee and Natividad M. Ramirez to the San Francisco Relocation Appeals Board, terms ending January 2, 2012.

Motion No. M10-158

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101234 [Confirming Reappointment, San Francisco Redevelopment Agency - Leroy King]

Sponsor: Mayor

Motion confirming the reappointment of Leroy King to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2014.

Motion No. M10-159

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Special Times of Business

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to suspend Rule 4.29 of the Rules of Order of the Board of Supervisors to allow the SPECIAL ORDER 3:30 P.M. - Recognition of Commendations to be heard earlier. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to the members of the Food Guardian Project in recognition of their accomplishments and continued community support. Supervisor Mar shared in the recognition.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Supervisor Dufty was noted absent at 2:56 p.m.; was noted present at 3:05 p.m.

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Charlie Walker; expressed concerns regarding trucking rates.
LaVaughan Moore; expressed concerns regarding trucking rates.
Ace Washington; shared in song certain concerns with the Board.
John Caldera; congratulated the San Francisco Giants.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101367 [Accept and Expend Gift - Gene Friend Recreation Center - $100,000]

Sponsor: Daly

Resolution authorizing the Recreation and Park Department to accept and expend a gift of $100,000 from the San Francisco Parks Trust, on behalf of the Friend Family Foundation, for the renovation of the Gene Friend Recreation Center. (Recreation and Park Department)

ADOPTED

101368 [Accept and Expend Gift - Music Concourse Trees - $30,000]

Sponsor: Mar

Resolution authorizing the Recreation and Park Department to accept and expend a gift of $30,000 from the San Francisco Parks Trust on behalf of Chase Freedom for the purchase, planting, and care of approximately 40 London Plane trees in Golden Gate Park's Music Concourse. (Recreation and Park Department)

ADOPTED

101353 [Committee of the Whole - Public Hearing to Establish the Ocean Avenue Community Benefits District]

Sponsor: Avalos

Motion directing the Board of Supervisors to hold a public hearing on November 16, 2010, with the Board sitting as a Committee of the Whole, to consider adopting a Resolution to Establish the Ocean Avenue Community Benefits District.

Motion No. M10-160

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

101303 [Settlement of Lawsuit - Viz Media, LLC - $219,000]

Ordinance authorizing settlement of the lawsuit filed by Viz Media, LLC, against the City and County of San Francisco for $219,000; the lawsuit was filed on August 10, 2010, in San Francisco Superior Court, Case No. CGC-10-502460; entitled Viz Media, LLC v. City and County of San Francisco, et al. (City Attorney)

10/18/10; RECEIVED AND ASSIGNED to Rules Committee.

101340 [Settlement of Lawsuit - Regal Stone, Ltd. - City to Receive $3,717,096.52]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Regal Stone, Ltd, et al. for the sum of $3,717,096.52, including previous initial payment of $2,000,000; the lawsuit was filed on December 10, 2007, in San Francisco Superior Court, Case No. CGC-07-469876 (transferred to Monterey County Superior Court, Case No. M98173); entitled City and County of San Francisco, et al., v. Regal Stone, Ltd., et al. (City Attorney)

10/21/10; RECEIVED AND ASSIGNED to Rules Committee.

101341 [Settlement of Lawsuit - Toni Battle - $150,000]

Ordinance authorizing settlement of the lawsuit filed by Toni Battle against the City and County of San Francisco for $150,000; the lawsuit was filed on October 16, 2009, in San Francisco Superior Court, Case No. CGC 09-493489, entitled Battle v. City and County of San Francisco, et al. (City Attorney)

10/21/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

101346 [Airport Concession Leases]

Resolution approving Amendment No. 1 to Domestic Terminals Food and Beverage Lease No. 03-0178 with Lori's Diner International; No. 03-0179 with Andale Airports; No. 03-0181 with Meyers Holdings, LLC; and No. 03-0188 with H. Young Enterprises, and the City and County of San Francisco, by and through its Airport Commission. (Airport Commission)

10/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:10 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

NOV 15 2010

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 9, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:18 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Maxwell, moved to approve the Board Meeting Minutes of October 5, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

President, David Chiu, recognized the students from the East Palo Alto Phoenix Academy in attendance.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101248 [Appropriating $85,000,000 of General Obligation Bonds for the Department of Public Works and the Public Utilities Commission for FY2010-2011]

Sponsors: Mayor; Chiu

Ordinance appropriating $85,000,000 of the 2010 Series 1 Earthquake Safety and Emergency Response General Obligation Bond proceeds including $76,603,071 to the Department of Public Works, and $8,396,929 to the Public Utilities Commission for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster for FY2010-2011, and placing these funds on Controller's Reserve pending the sale of the bonds.

FINALLY PASSED

101268 [Waiver of Street Encroachment Inspection Fee for Golden Gate Transportation District]

Sponsor: Elsbernd

Ordinance waiving the Street Encroachment Permit Inspection Fee established through Public Works Code Section 2.1.1 for signs related to bus service for the Golden Gate Bridge, Highway, and Transportation District.

FINALLY PASSED

101269 [Accept and Expend Grant - Probation Specialized Supervision Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - $300,000]

Sponsor: Maxwell

Ordinance authorizing the Department of Adult Probation to retroactively accept and expend a grant in the amount of $300,000 from the California Emergency Management Agency for Probation Specialized Supervision Program federally funded through the Violence Against Women Act and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) grant-funded positions (.75 FTE) in Class 8444 Deputy Probation Officer, (.50 FTE) in Class 9920 Public Service Aide/Probation Aide, and (.50 FTE) in Class 9920 Public Service Aide/Probation Aide at the Department of Adult Probation.

FINALLY PASSED

101270 [Accept and Expend Grant - San Francisco Reentry Courts and Amendment to the Annual Salary Ordinance for FY2010-2011 - $500,000]

Sponsor: Mirkarimi

Ordinance authorizing the Adult Probation Department to retroactively accept and expend a grant in the amount of $500,000 from the Office of Justice Programs for funding under the Second Chance Act State, Local and Tribal Reentry Courts, and amend Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of (4) four grant funded positions; (.20 FTE) in Class 8138 Court Reporter at the Adult Probation Department, (.20 FTE) in Class 8113 Court Clerk at the Adult Probation Department, (.40 FTE) in Class 8177 Attorney at the Office of the Public Defender (PDR) and (.75 FTE) in Class 2912 Sr. Social Worker at the Department of Public Health.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

100829 [Planning Code - Car-Share Controls]

Sponsors: Chiu; Mar and Maxwell

Ordinance amending the San Francisco Planning Code, including Section 151.1 to enable the Planning Commission to require the provision of annual memberships to certified car-share organizations to residents of certain new development projects when certain findings are made; Section 163 to promote car-share services as a component of transportation management programs and transportation brokerage services; and Section 166 to permit car-share spaces in the same manner as residential accessory parking and require that car-sharing requirements for non-residential uses apply to all zoning districts; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED

101216 [Mission Bay South - Fourth Street, Channel Street, and Third Street Public Infrastructure Improvements]

Ordinance accepting the irrevocable offers of property along portions of Channel Street and Third Street and the irrevocable offers of improvements of public infrastructure improvements, including acquisition facilities on Channel Street, Fourth Street, and Third Street; dedicating such improvements for public use; declaring such areas as shown on Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,869; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

101217 [Mission Bay South - Blocks 10-10A Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 10-10A including acquisition facilities on China Basin Street, Terry A. Francois Boulevard and Mission Bay Boulevard North; declaring City property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,870; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

101218 [Mission Bay South - Storm Water Pump Station No. 6 Public Infrastructure Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 6 including acquisition facilities located on and under Bayfront Park along Terry A. Francois Boulevard; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,871; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

Recommendations of the Public Safety Committee

101317 [Accept and Expend Grant - San Francisco Re-entry Center Program - $750,000]

Sponsor: Chiu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $750,000 through the United States Department of Justice, Bureau of Justice Assistance, for a program entitled "San Francisco Re-entry Center" for the grant period of October 1, 2010, through March 31, 2012.

ADOPTED

101363 [Accept and Expend Grant - No Violence Alliance One Family Reentry Initiative - $300,000]

Sponsor: Mayor

Resolution authorizing the Sheriff's Department to retroactively apply for, accept, and expend $300,000 in funds from the Bureau of Justice Assistance, through the Second Chance Act Prisoner Reentry Initiative; the No Violence Alliance One Family Reentry Initiative will provide a comprehensive, family-focused continuum from in-custody to post-release for sentenced probationers incarcerated in the San Francisco County Jail with a history of substance abuse and minor children.

ADOPTED

101364 [Accept and Expend Grant - FY2010 Forensic DNA Backlog Reduction Program - $320,274]

Sponsors: Mayor; Alioto-Pier

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a grant totaling $320,274 from the U.S. Department of Justice/ National Institute of Justice for the FY2010 Forensic DNA Backlog Reduction Program.

ADOPTED

101365 [Accept and Expend Grant - The Keystone Project - $599,298]

Sponsor: Mayor

Resolution authorizing the Sheriff's Department to retroactively apply for, accept, and expend $599,298 in funds from the Bureau of Justice Assistance, through the Second Chance Act Prisoner Reentry Initiative; the Keystone Project will strive to increase public safety and reduce recidivism among offenders with co-occurring disorders in the City and County of San Francisco, and waiving any indirect costs.

ADOPTED

101366 [Accept and Expend Grant - FY2010 Technology Program Gunshot Location System - $750,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a $750,000 grant from the U.S. Department of Justice/Office of Community Oriented Policing FY2010 Technology Program for a Gunshot Location System.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

101009 [Environment Code - Healthy Air and Clean Transportation Program]

Sponsors: Mayor; Dufty, Mar and Campos

Ordinance (1) amending the San Francisco Environment Code by repealing current Sections 400 through 409, and adopting new Sections 400 through 424; (2) amending the San Francisco Environment Code by amending current Sections 410, 411, and 421 and re-numbering them as Sections 425, 426, and 427 respectively; and (3) amending the San Francisco Administrative Code by amending Section 4.10-1, all to establish and implement a new Healthy Air and Clean Transportation Program, providing for the gradual conversion of the City's vehicle fleet to clean air vehicles and the gradual reduction of the overall number of passenger vehicles and light duty trucks in the City's vehicle fleet by 20 percent; and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Government Audit and Oversight Committee

101157 [Administrative Code - Updating Provisions Consistent with State and Local Law and Related Clean-Up Provisions on Employee Relations]

Sponsor: Mayor

Ordinance amending Section 16.200 through Section 16.222 of the San Francisco Administrative Code regarding Employee Relations to update provisions consistent with state and local law and related clean-up provisions.

Martin Gran (Department of Human Resources) responded to questions raised throughout the discussion.

Supervisor Mar, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED ON FIRST READING to November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

101096 [Health Code - Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or Other Youth Focused Incentive Items]

Sponsors: Mar; Campos, Chiu and Avalos

Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.9, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the Rules Committee

101246 [Administrative Code - Medical Cannabis Task Force Membership, Powers, and Duties]

Sponsor: Campos

Ordinance amending San Francisco Administrative Code by amending Sections 5.2-3 and 5.2-5 to: (1) increase the number of members of the San Francisco Medical Cannabis Task Force (Task Force) from 13 to 15; (2) establish qualifications for the two members added to the Task Force; and (3) expand powers and duties of the Task Force to include developing and making recommendations to the Board of Supervisors about local regulation of medical cannabis in the event that State Proposition 19 is approved by the voters in the election held on November 2, 2010.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101099 [Business and Tax Regulations Code - Common Administrative Provisions; Parking Tax; Business Registration]

Sponsors: Mirkarimi; Dufty

Ordinance amending the San Francisco Business and Tax Regulations Code by: (1) amending Article 6 (Common Administrative Provisions) to revise provisions relating to: certificates of authority to collect third-party taxes; prepayment and remittance requirements for hotel and parking operators; enforcement procedures and penalties; and to otherwise clarify and update the provisions of Article 6; (2) amending Article 9 (Tax on Occupancy of Parking Space in Parking Stations), Article 10 (Utility Users Tax), and Article 12 (Business Registration), to lengthen the time period that service suppliers must preserve records from 4 years to 5 years and to extend the payment date of the registration certificate; and (3) repealing Sections 608 through 608.8 of Article 9 (Tax on Occupancy of Parking Space in Parking Stations); and (4) amending the San Francisco Administrative Code by amending Article XIII (Funds), Chapter 10 (Finance, Taxation, and Other Fiscal Matters), to correct references to the California Government Code.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101100 [Business and Tax Regulations Code - Adding to the Definition of "Control", Revising the Enforcement Authority, and Making Other Nonsubstantive Changes]

Sponsors: Mirkarimi; Dufty

Ordinance amending Article 22 of the Business and Tax Regulations Code by amending Sections 2201 through 2210, 2215, 2216, 2218, 2220, 2225, 2226, 2229, 2230, 2232, and 2233 and repealing Sections 2217, 2223, 2224, and 2237, to establish a presumption that certain operators, signatories and owners control the business affairs of the parking station, revise the Enforcing Agency's authority to permit the use of all authority granted by law and by Article 6 of this Code, and make other nonsubstantive changes.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101356 [Assessment Ballots for City-Owned Parcels for Proposed Ocean Avenue Community Benefits District]

Sponsor: Avalos

Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco as the owner of two parcels and part of a third parcel of real property over which the Board of Supervisors has jurisdiction, where those two parcels and the partial parcel would be subject to assessment in the proposed property and business improvement district to be named the Ocean Avenue Community Benefits District.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

101302 [Harry Tracy Water Treatment Plant Improvements Project Findings]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Harry Tracy Water Treatment Plant Long-Term Improvements Project No. CUW36701, part of the Water System Improvement Program, for the improvements to the regional water supply system and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101357 [Settlement of Unlitigated Claims - Skyline Stables Corporation - $650,000]

Sponsor: Avalos

Resolution approving the settlement of the unlitigated claims by and between Skyline Stables Corporation (Skyline) and City and County of San Francisco, related to the lease between Skyline and the San Francisco Public Utilities Commission (SFPUC) of a portion of the SFPUC Harry Tracy Water Treatment Plant (HTWTP) site in San Mateo County, the SFPUC approval of the HTWTP Long Term Improvement Project to improve water service reliability and seismic stability of the HTWTP, the SFPUC termination of Skyline's lease and Skyline's vacation of the lease premises, and SFPUC's offer to acquire the leasehold interest, calling for SFPUC to pay $650,000 to Skyline, and including other material terms and conditions in a settlement and release agreement.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Government Audit and Oversight Committee

101155 [Administrative Code - Open Data Policy]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code to add Section 22D to establish the City's Open Data policy and require City departments to make appropriate data available to the public.

Jason Elliott (Mayor's Office) responded to questions raised throughout the discussion.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101025 [Directing the Budget and Legislative Analyst's to Conduct Three Audits in FY2010-2011 and Setting Priorities]

Sponsor: Mar

Motion directing the Budget and Legislative Analyst to conduct three audits to evaluate (a) the City's policies and revenues for advertising on private property; (b) the financial impact to the City of the fiscal provisions of the City's Memoranda of Understanding with labor unions; and (c) the impact of hiring five new positions in the Assessor's Office on the property assessment backlog and property tax revenue.

Severin Campbell (Budget and Legislative Analyst's Office) and Ben Rosenfield (Controller) responded to questions raised throughout the discussion.

Motion No. M10-161

APPROVED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Daly, Elsbernd

Recommendations of the Land Use and Economic Development Committee

100992 [General Plan - Portion of 222-2nd Street]

Ordinance amending the General Plan of the City and County of San Francisco by amending Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan to change the height and bulk classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222-2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100993 [Zoning Map - Portion of 222-2nd Street]

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Zoning Map 1HT to change the height and bulk district classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222-2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101229 [Planning Code - Landmark Designation of 1890 Chestnut Street (Marina Branch Library)]

Sponsor: Alioto-Pier

Ordinance designating 1890 Chestnut Street (Marina Branch Library), Lot No. 001 in Assessor's Block No. 0469, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

Supervisor Alioto-Pier requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Land Use and Economic Development Committee With Recommendation "Do Not Pass"

101230 [Planning Code - Landmark Designation of 2000 Mason Street (North Beach Branch Library)]

Ordinance designating 2000 Mason Street (North Beach Branch Library), Lot No. 001 in Assessor's Block No. 0074, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

PASSED ON FIRST READING. The motion FAILED by the following vote:

Ayes: 1 - Daly

Noes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

COMMITTEE REPORTS

From the Rules Committee Without Recommendation

101332 [Reappointment, Treasure Island Development Authority Board of Directors - Claudine Cheng]

Motion approving the Mayor's reappointment of Claudine Cheng to the Treasure Island Development Authority Board of Directors, for the term ending February 26, 2014. (Clerk of the Board)
(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - October 12, 2010.)

Andrew Shen (Deputy City Attorney) and Starr Terrell (Mayor's Office) responded to questions raised throughout the discussion.

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

101334 [Reappointment, Treasure Island Development Authority Board of Directors - John Elberling]

Motion approving the Mayor's reappointment of John Elberling to the Treasure Island Development Authority Board of Directors, for the term ending April 28, 2014. (Clerk of the Board)
(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - October 12, 2010.)

Andrew Shen (Deputy City Attorney) and Starr Terrell (Mayor's Office) responded to questions raised throughout the discussion.

Motion No. M10-163

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

101336 [Appointment, Treasure Island Development Authority Board of Directors - Linda Richardson]

Motion approving the Mayor's appointment of Linda Richardson to the Treasure Island Development Authority Board of Directors, for the term ending April 28, 2014. (Clerk of the Board)
(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - October 12, 2010.)

Andrew Shen (Deputy City Attorney) and Starr Terrell (Mayor's Office) responded to questions raised throughout the discussion.

Motion No. M10-164

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

101338 [Reappointment, Treasure Island Development Authority Board of Directors - Jean-Paul Samaha]

Motion approving the Mayor's reappointment of Jean-Paul Samaha to the Treasure Island Development Authority Board of Directors, for the term ending February 26, 2014. (Clerk of the Board)
(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - October 12, 2010.)

Motion No. M10-165

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 4 - Avalos, Campos, Daly, Mirkarimi

Recommendation of the Rules Committee

101379 [Appointment, Small Business Commission - Robert Paterson]

Motion rejecting the Mayor's appointment of Robert Paterson to the Small Business Commission, for the term ending January 6, 2014. (Clerk of the Board)
(Charter Section 3.100 (17) provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - October 14, 2010.)
(Supervisor Alioto-Pier dissented in Committee)

Andrew Shen (Deputy City Attorney) provided an overview of the matter and responded to questions raised throughout the discussion.

TABLED BY OPERATION OF LAW

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Ace Washington; shared in song certain concerns with the Board.
Brandon Reedmeir; expressed concerns regarding 701 Lombard Street.
Female Speaker; expressed concerns regarding language discrimination in San Francisco.
John Rowson; expressed concerns regarding medical
Sin Yen Ling; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Male Speaker; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Marilyn Luu; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Felix Cabrera; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Ai Kim; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Sang Chi; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Anoop Prasad;expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Alan Herrera; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Male Speaker; expressed support of the resolution denouncing deportation of Shing Ma "Steve" Li.
Adriana LaGuerta; expressed support of resolution denouncing deportation of Shing Ma "Steve" Li.
Lisa; expressed support of the proposed resolution urging the passage of the DREAM Act.
Peter Warfield; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 101388 be severed so that it may be considered separately.

101388 [Denouncing the Deportation of Shing Ma “Steve” Li and Urging Congress to Pass the DREAM Act]

Sponsors: Mar; Chiu, Avalos, Campos, Mirkarimi and Dufty

Resolution denouncing the deportation of Shing Ma “Steve” Li, a DREAM Act student at City College of San Francisco, calling for Immigration and Customs Enforcement to grant him deferred action status, and urging Congress to pass the DREAM Act.

Supervisor Dufty requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos requested that File No. 101376 be severed so that it may be considered separately.

101376 [2011 Board of Supervisors Regular Meeting Schedule]

Motion establishing the 2011 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 18, February 22, May 31, July 5, October 11, and November 29; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 10 through September 2, 2011, and December 14 through December 30, 2011. (Clerk of the Board)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 6 and 24, by changing 'August 3' to 'August 10'; after Page 1, Line 18, by adding a Whereas clause stating 'The Board is constrained by certain administrative deadlines in relation to the passing of the 2011-2012 budget and may decide to meet on August 9 solely to consider an override vote should the Mayor veto the annual budget'; and after Page 1, Line 25, by adding a Moved clause stating 'That in the event of a Mayoral veto of the 2011-2012 budget, the Board will conduct a meeting on August 9.'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion establishing the 2011 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 18, February 22, May 31, July 5, October 11, and November 29; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 3 through September 2, 2011, and December 14 through December 30, 2011. (Clerk of the Board)

Motion No. M10-166

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Campos, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]
Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100896 [Declaring November 9, 2010, as Clinic by the Bay Day]

Sponsors: Avalos; Dufty, Alioto-Pier, Campos and Mirkarimi
Resolution declaring November 9, 2010, as Clinic by the Bay Day in the City and County of San Francisco.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

101381 [Settlement of Lawsuit - Allison Ayer - $30,000]

Ordinance authorizing settlement of the lawsuit filed by Allison Ayer against the City and County of San Francisco for $30,000; the lawsuit was filed on January 28, 2010, in San Francisco Superior Court, Case No. CGC-10-496373; entitled Allison Ayer v. City and County of San Francisco, et al. (City Attorney)

10/27/10; RECEIVED AND ASSIGNED to Rules Committee.

101382 [Settlement of Lawsuit - Charles Haynes - $50,000]

Ordinance authorizing settlement of the lawsuit filed by Charles Haynes against the City and County of San Francisco for $50,000; the lawsuit was filed on January 23, 2009, in the United States District Court, Northern District of California, Case No. C09-00174 PJH; entitled Charles Haynes, et al. v. City and County of San Francisco, et al. (City Attorney)

10/27/10; RECEIVED AND ASSIGNED to Rules Committee.

101383 [Settlement of Lawsuit - Guillermo Chavez - $30,000]

Ordinance authorizing settlement of the lawsuit filed by Guillermo Chavez against the City and County of San Francisco for $30,000; the lawsuit was filed on October 2, 2009, in San Francisco Superior Court, Case No. 439-130; entitled Guillermo Chavez v. City and County of San Francisco, et al.; other material terms of said settlement are: 1) $10,000 to be paid to the San Francisco Tax Collector's Bureau of Delinquent Revenue to satisfy the medical lien for treatment in this case; 2) $11,555 to be allocated to attorney's fees and litigation costs; 3) the balance of $8,445 is to be paid to the Bureau of Delinquent Revenue to pay down money owed by plaintiff to the City for medical treatment unrelated to the injuries in the lawsuit. (City Attorney)

10/27/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

101331 [Prevailing Wage Rates - Various Workers Performing Work Under City Contracts]

Resolution fixing prevailing wage rates for: (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (City Attorney)

10/28/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101374 [Purchase Agreement - Subsurface Easements - Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel - $650]

Resolution approving and authorizing an Agreement for Purchase and Sale of Real Estate to obtain two permanent, exclusive, subsurface easements from Cargill, Incorporated, for the purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel for a purchase price of $650; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

11/01/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101375 [Construction Management Services Agreement - San Francisco General Hospital Rebuild Program - Not to Exceed $16,400,000]

Resolution authorizing the Director of Public Works to execute an amendment to a professional construction management services agreement for the San Francisco General Hospital Rebuild Program from $8,000,000 to $16,400,000. (Public Works Department)

11/01/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101384 [Settlement of Unlitigated Claim - Motorist Insurance Group and Ellis Brooks Chevrolet - $48,969.70]

Resolution approving the settlement of the unlitigated claim filed by Motorist Insurance Group and Ellis Brooks Chevrolet against the City and County of San Francisco for $48,969.70; claim was filed on May 4, 2010. (City Attorney)

10/27/10; RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:43 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

NOV 22 2010

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 16, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:18 p.m. On the call of the roll, Supervisor Elsbernd was noted absent. There was a quorum.

AGENDA CHANGES

There were none.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 101096, which proposes a prohibition on the inclusion of incentives, such as toys, in certain fast food meals generally marketed to children.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved to direct the Clerk of the Board to agendize this matter at the Regular Meeting of November 23, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101099 [Business and Tax Regulations Code - Common Administrative Provisions; Parking Tax; Business Registration]

Sponsors: Mirkarimi; Dufty

Ordinance amending the San Francisco Business and Tax Regulations Code by: (1) amending Article 6 (Common Administrative Provisions) to revise provisions relating to: certificates of authority to collect third-party taxes; prepayment and remittance requirements for hotel and parking operators; enforcement procedures and penalties; and to otherwise clarify and update the provisions of Article 6; (2) amending Article 9 (Tax on Occupancy of Parking Space in Parking Stations), Article 10 (Utility Users Tax), and Article 12 (Business Registration), to lengthen the time period that service suppliers must preserve records from 4 years to 5 years and to extend the payment date of the registration certificate; (3) repealing Sections 608 through 608.8 of Article 9 (Tax on Occupancy of Parking Space in Parking Stations); and (4) amending the San Francisco Administrative Code by amending Article XIII (Funds), Chapter 10 (Finance, Taxation, and Other Fiscal Matters), to correct references to the California Government Code.

FINALLY PASSED

101100 [Business and Tax Regulations Code - Adding to the Definition of "Control," Revising the Enforcement Authority, and Making Other Nonsubstantive Changes]

Sponsors: Mirkarimi; Dufty

Ordinance amending Article 22 of the Business and Tax Regulations Code by amending Sections 2201 through 2210, 2215, 2216, 2218, 2220, 2225, 2226, 2229, 2230, 2232, and 2233 and repealing Sections 2217, 2223, 2224, and 2237, to establish a presumption that certain operators, signatories and owners control the business affairs of the parking station, revise the Enforcing Agency's authority to permit the use of all authority granted by law and by Article 6 of this Code, and make other nonsubstantive changes.

FINALLY PASSED

101306 [Purchase Agreement - Permanent Access Road Easement - Parcel Nos. 016-002-011 and 016-002-012 - Stanislaus County - $500]

Resolution approving and authorizing an agreement for the purchase of a permanent access road easement totaling 751 square feet over a portion of Assessor's Parcel Nos. 016-002-011 and 016-002-012 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of $500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED

101307 [Purchase Agreement - Permanent Access Road Easement - Parcel No. 016-002-048 - Stanislaus County - $2,500]

Resolution approving and authorizing an agreement for the purchase of a permanent access road easement totaling 398 square feet over a portion of Assessor's Parcel No. 016-002-048 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301, for a purchase price of $2,500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

101314 [Accept and Expend Grant - Environmental Assessment Heat Wave and Air Quality Project - $106,526]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Centers for Disease Control and Prevention in the amount of $106,526 to fund the Environmental Health Assessment of Vulnerability to Heat Wave and Air Quality Project for the period September 1, 2010, through August 30, 2011.

ADOPTED

101315 [Accept and Expend Grant - 2010 County Coverage Expansion Planning Project - $225,000]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $225,000 from the Blue Shield of California Foundation to fund the 2010 County Coverage Expansion Planning Project for the period of September 1, 2010, through August 31, 2011.

ADOPTED

101360 [Accept and Expend Grant - HIV Testing Disproportionately Affected Populations - $877,273]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $877,273 from the Centers for Disease Control to fund the project Expanded HIV Testing for Disproportionately Affected Populations for the period of September 30, 2010, through September 29, 2011, waiving indirect costs.

ADOPTED

101362 [Accept and Expend Gift - Joseph Lee Recreation Center - $162,063]

Sponsor: Maxwell

Resolution authorizing the Recreation and Park Department to accept and expend a gift from the John and Lisa Pritzker Family Fund for $54,021 annually for FYs 2010-2011, 2011-2012, and 2012-2013, for a total of $162,063, for general operating support of Joseph Lee Recreation Center.

ADOPTED

Recommendation of the Government Audit and Oversight Committee

101155 [Administrative Code - Open Data Policy]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code to add Section 22D to establish the City's Open Data policy and require City departments to make appropriate data available to the public.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

100992 [General Plan - Portion of 222-2nd Street]

Ordinance amending the General Plan of the City and County of San Francisco by amending Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan to change the height and bulk classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222-2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED

100993 [Zoning Map - Portion of 222-2nd Street]

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Zoning Map 1HT to change the height and bulk district classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222-2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED

101229 [Planning Code - Landmark Designation of 1890 Chestnut Street (Marina Branch Library)]

Sponsor: Alioto-Pier

Ordinance designating 1890 Chestnut Street (Marina Branch Library), Lot No. 001 in Assessor's Block No. 0469, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

FINALLY PASSED

101227 [Street Artist Spaces - 17th Street at Castro and Market Streets]

Resolution approving continued designation of eight (8) former temporary selling spaces in "mini-plaza" on 17th Street at Castro and Market Streets for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(11) relating to distance between street artists. (Arts Commission)

ADOPTED

101304 [Crystal Springs Pipeline Number Two Replacement Project Findings]

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Crystal Springs Pipeline Number 2 Replacement Project No. CUW37801, part of the Water System Improvement Program for the improvements to the regional water supply system, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED

101305 [Lower Crystal Springs Dam Improvements Project Findings]

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Lower Crystal Springs Dam Improvements Project No. CUW35401, including the Mitigation Habitat Actions at ten sites mostly in San Mateo County, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED

Recommendations of the Rules Committee

101288 [Settlement of Lawsuit - Cheryl Austin - $268,452]

Ordinance authorizing settlement of the lawsuit filed by Cheryl Austin against the City and County of San Francisco for $268,452, inclusive of attorneys' fees and costs; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498110; entitled Cheryl Austin v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

101289 [Settlement of Lawsuit - Nyree Monroe - Up to $31,000]

Ordinance authorizing settlement of the lawsuit filed by Nyree Monroe against the City and County of San Francisco for up to $31,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498109; entitled Nyree Monroe v. City and County of San Francisco; other material terms of said settlement are reinstatement. (City Attorney)

PASSED, ON FIRST READING

101290 [Settlement of Lawsuit - Edward Kriete - $575,000]

Ordinance authorizing settlement of the lawsuit filed by Edward Kriete against the City and County of San Francisco for $575,000; the lawsuit was filed on April 17, 2009, in the San Francisco Superior Court, Case No. CGC 09-487483; entitled Edward Kriete v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

101303 [Settlement of Lawsuit - Viz Media, LLC - $219,000]

Ordinance authorizing settlement of the lawsuit filed by Viz Media, LLC, against the City and County of San Francisco for $219,000; the lawsuit was filed on August 10, 2010, in San Francisco Superior Court, Case No. CGC-10-502460; entitled Viz Media, LLC, v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

101340 [Settlement of Lawsuit - Regal Stone, Ltd. - City to Receive $3,717,096.52]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Regal Stone, Ltd, et al. for the sum of $3,717,096.52, including previous initial payment of $2,000,000; the lawsuit was filed on December 10, 2007, in San Francisco Superior Court, Case No. CGC-07-469876 (transferred to Monterey County Superior Court, Case No. M98173); entitled City and County of San Francisco, et al., v. Regal Stone, Ltd., et al. (City Attorney)

PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

100889 [Adopting Findings Related to the Conditional Use Appeal on Property Located at 1268 Grant Street]

Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 18160, approving Conditional Use Application 2010.0438C on property located at 1268 Grant Street. (Clerk of the Board)

Motion No. M10-167

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

Recommendation of the Government Audit and Oversight Committee

101157 [Administrative Code - Updating Provisions Consistent with State and Local Law and Related Clean-Up Provisions on Employee Relations]

Sponsor: Mayor

Ordinance amending Section 16.200 through Section 16.222 of the San Francisco Administrative Code regarding Employee Relations to update provisions consistent with state and local law and related clean-up provisions.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

Recommendation of the Public Safety Committee

101062 [Health Code - Updating Enforcement and Compliance Procedures for Nuisance]

Sponsors: Avalos; Campos

Ordinance amending the San Francisco Health Code Articles 6 and 11 by amending Sections 580, 581, 596, 599, and 600, and adding Sections 292.5, 596.5, 602.3, and 610 to: 1) add requirements for refuse collection and storage in multi-story residential facilities; 2) update nuisance definitions; 3) add potential attorneys' fees recovery for the prevailing party in those cases which the City elects to recover attomeys' fees; 4) require owners of rental property to provide contact information to the Department; 5) add civil penalties; and 6) expand administrative penalties and procedures. (Supervisor Elsbernd dissented in Committee.)

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

Ordinance amending San Francisco Health Code Article 11 by amending Sections 580, 581, 596, 599, and 600, and adding Sections 596.5, and 610 to: 1) update nuisance definitions; 2) add potential attorneys' fees recovery for the prevailing party in those cases which the City elects to recover attorneys' fees; 3) add civil penalties; and 4) expand administrative penalties and procedures.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101271 [Appropriating $9,035,065 of Certificate of Participation Expenses for Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability for FY2010-2011]

Sponsor: Mayor

Ordinance appropriating $9,035,065 of Certificate of Participation Series 2011A Delivery Date Expenses to fund multiple Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability in the General Services Agency - Office of the City Administrator for FY2010-2011, and placing these funds on Controller's reserve pending issuance of the Certificates of Participation.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

091106 [Approval of a Historical Property Contract for 1818 California Street (Lilienthal-Orville Pratt House)]

Sponsor: Alioto-Pier

Resolution under Chapter 71 of the San Francisco Administrative Code, approving a historical property contract between Nakamura FLP, the owner of 1818 California Street (Lilienthal-Orville Pratt House), and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to RESCIND the previous vote. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED to November 23, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Daly

101294 [Professional Services Agreement - FSP PPM Management, LLC - Curbside Management Program - Not to Exceed $10,450,000]

Resolution approving the Professional Services Agreement, Airport Contract 8994 - to manage and staff the Curbside Management Program between FSP PPM Management, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed $10,450,000, pursuant to San Francisco Charter Section 9.118(b). (Airport Commission)

Supervisor Avalos, seconded by Supervisor Mar, moved that this Resolution be AMENDED on Page 2, Lines 16-17, by deleting ', with an anticipated total contract value not-to-exceed $26,000,000,'. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

101301 [Approval of Contract - AnsaldoBreda, Inc. - Repair of Damaged LRVs - Not to Exceed $32,854,622]

Resolution approving Contract No. CPT 626.02, repair of damaged light rail vehicles, between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and AnsaldoBreda, Inc., to rebuild up to seven damaged light rail vehicles, in an amount not to exceed $32,854,622, and for a term not to exceed six years, with expenditures limited to $13,000,000 pending certification of additional funding. (Municipal Transportation Agency) (Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

101359 [Annual Report - Greater Union Square Business Improvement District and Modifying Management District Plan]

Sponsor: Chiu

Resolution regarding Greater Union Square Business Improvement District, receiving and approving the District's Annual Report for FY2009-2010 as submitted pursuant to Section 36650 of the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's Management Agreement with the City, which includes the District's proposed budget for FY2010-2011; modifying the Management District Plan in accordance with the Annual Report; and conforming the Management Agreement to changes in the Management District Plan.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Absent: 1 - Elsbernd

Recommendations of the City Operations and Neighborhood Services Committee

Supervisor Elsbernd was noted present at 2:28 p.m.

101351 [Planning Code - Zoning - Temporary Uses and Mobile Food Facilities]

Sponsor: Dufty

Ordinance amending the San Francisco Planning Code by adding Section 102.31 to define a Mobile Food Facility, amending Section 205 and adding Section 205.4 to establish a new category of temporary uses, and amending Sections 212, 790.91, 790.93 and 890.90 to clarify that Mobile Food Facilities need not be conducted within enclosed buildings; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Privilege of the floor was granted to Nicholas Kinsey (Recreation and Park Department), Ken Rich (Office of Economic and Workforce Development), and Dan Snyder (Planning Department) who responded to questions raised throughout the discussion regarding File Nos. 101351 and 101352.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101352 [Various Codes - Mobile Food Facilities - Department of Public Works Permitting Authority]

Sponsor: Dufty

Ordinance amending the San Francisco Police Code and San Francisco Public Works Code by repealing Articles 17.2 (Regulations for Mobile Caterers; Permit and License Provisions) and 17.3 (Permit Regulations for Pushcart Peddlers), transferring the regulations to a new Article 5.8 of the Public Works Code commencing with Section 184.80, redefining Mobile Caterers and Pushcart Peddlers as Mobile Food Facilities; making other amendments to implement the transfer, including new fee and penalty provisions and new notice and hearing procedures; amending Sections 440 and 451 of the San Francisco Health Code and repealing Section 249, amending Section 249.1, and adding Section 249.23 to the San Francisco Business and Tax Regulations Code to update definitions and add annual fees and plan check fees for Mobile Food Facilities; and adopting environmental findings.

Privilege of the floor was granted to Nicholas Kinsey (Recreation and Park Department), Ken Rich (Office of Economic and Workforce Development), and Dan Snyder (Planning Department) who responded to questions raised throughout the discussion regarding File Nos. 101351 and 101352.

Supervisor Dufty, seconded by Supervisor Campos, moved that this Ordinance be AMENDED on Page 10, Lines 2-3, by deleting 'License' and adding 'Registration Certficiate from the Office of the Treasurer and Tax Collector,'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED on Page 2, Lines 19-20, by adding 'or trailer that is transported by a motorized vehicle' after 'vehicle'; on Page 3, Lines 6-7, by adding 'that is transported by human power' after 'device'; on Page 11, Lines 12-13, by inserting the new line '4) The Department shall maintain a Mobile Food Facility page on its website detailing all issued and pending permits.'; and on Page 11, Lines 23-24, by adding 'and on the Mobile Food Facility page on the Department's website.' after 'San Francisco'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101079 [Water Efficient Irrigation]

Sponsors: Mayor; Maxwell and Mar

Ordinance amending the San Francisco Administrative Code by repealing Chapter 63 in its entirety and adding a new Chapter 63, requiring the development and maintenance of landscape irrigation controls for specified new construction landscapes and landscape rehabilitation projects.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

100765 [Support for the Preservation and Restoration of Sacred Heart Church]

Sponsor: Mirkarimi

Resolution pronouncing the support of the City of San Francisco for the preservation and restoration all historic features recently removed and sold from Sacred Heart Church, urging the Department of Building Inspection to investigate and publically report on violations of the Building and Planning Codes due to the removal of these historic features, and requesting the City Attorney to investigate, publically report on, and take legal action to remedy such violations of the Building and Planning Codes and all violations of other laws, including historic preservation laws. (Supervisor Maxwell dissented in committee.)

Privilege of the floor was granted to Tara Sullivan (Planning Department) and Ed Sweeney (Department of Building Inspection) who responded to questions raised throughout the discussion regarding File No. 100765.

ADOPTED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Recommendation of the Rules Committee

101220 [Appointment, San Francisco Public Utilities Commission - Art Torres]

Motion confirming the Mayor's appointment of Art Torres to the San Francisco Public Utilities Commission, Seat 2, for the term ending August 1, 2014. (Clerk of the Board)

Motion No. M10-168

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Rules Committee Without Recommendation

101347 [Confirming Appointments, Treasure Island Development Authority Board of Directors - Larry Del Carlo and Larry Mazzola, Jr.]

Sponsor: Mayor

Motion confirming the appointments of Larry Del Carlo to succeed John Rahaim; term ending February 26, 2013; and Larry Mazzola, Jr. to succeed Owen Stephens, term ending April 28, 2014, to the Treasure Island Development Authority Board of Directors.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to December 7, 2010. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Campos, Daly, Mirkarimi
Noes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Motion No. M10-169

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101354 [Public Hearing - Resolution to Establish the Ocean Avenue Community Benefits District]

Sponsor: Avalos

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based business improvement district to be known as the "Ocean Avenue Community Benefits District," ordering the levy and collection of assessments against property located in that district for fifteen years commencing with FY2010-2011, subject to conditions as specified, and making environmental findings.

The President inquired as to whether any member of the public wished to address the Board relating to the proposed Resolution. Dahlisa Winburn; Female Speaker; Joanne Trackwatson; Dan Weaver; Al Harris; Howard Chung; Henry Cavain; spoke in support of the proposed Resolution. Diane Goodman; Nilka Rose; spoke in opposition to the proposed Resolution. There were no other speakers. The President continued the public hearing open to December 14, 2010.

Supervisor Avalos, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED to December 14, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Committee of the Whole Adjourn and Report

101355 [Resolution to Establish the Ocean Avenue Community Benefits District]

Sponsor: Avalos

Resolution establishing a property-based business improvement district to be known as the "Ocean Avenue Community Benefits District," ordering the levy and collection of assessments against property located in that district for fifteen years commencing with FY2010-2011, subject to conditions as specified, and making environmental findings.

Supervisor Avalos, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED to December 14, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Miss Tilly Abbe in recognition of her accomplishments as a ballet instructor for over 40 years in San Francisco and continued community support.

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. *Appeals where all parties have agreed to request a continuance or a tabling of the appeal.*
2. *Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).*
3. *Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.*
4. *Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.*
5. *Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.*

101041 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Determination of Exemption from Environmental Review identified as Planning Case No. 2010.0306C, by its Motion No. 18131, which included the exemption determination, that a project located at 10 Bernal Heights Boulevard is exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines Sections 15301 Class (1), 15303 (Class 3), and 15311 (Class 11), to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park within an RH-1(D) (Residential, House, Single-Family, Detached) Zoning District and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Appellant: Erick Arguello on behalf of the Lower 24th Street Merchant Association.)
(Filed August 2, 2010; Companion Measure to File Nos. 101042, 101043, 101044.)

The President inquired as to whether any member of the public wished to address the Board. Terry Milne (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Robin Macke; Gail Malinson; Rick Avery; Charles Kalish; Gabriela Schultz; William; Steven Krolik; David Tornheim; spoke in support of the appeal. Tara Sullivan; Nannie Turrell; Male Speaker (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Bill Stevens and Paul Allred (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Alan Lacey; spoke in support of the project and in opposition to the appeal. Terry Milne (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

(Only one of the following two motions should be approved.)

101042 [Affirming the Exemption Determination for 10 Bernal Heights Boulevard]

Motion affirming the determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Motion No. M10-170

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 3 - Daly, Mar, Mirkarimi

101043 [Reversing the Exemption Determination Issued for 10 Bernal Heights Boulevard]

Motion reversing the determination by the Planning Commission that the 10 Bernal Heights Boulevard project is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 3 - Daly, Mar, Mirkarimi

101044 [Preparation of Findings to Reverse the Exemption Determination for the 10 Bernal Heights Boulevard Project]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell
Noes: 3 - Daly, Mar, Mirkarimi

SPECIAL ORDER 4:00 P.M.

Supervisor Mar was noted absent at 5:54 p.m.

101045 [Public Hearing - Conditional Use Appeal for 10 Bernal Heights Boulevard]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Conditional Use Permit identified as Planning Case No. 2010.0306C, by its Motion No. 18131, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park and to modify the Conditional Use approval under Case No. 2008.1157C to change the number of allowed antennas on the site within the RH-1(D) (Residential, House, Single-Family, Detached) Zoning District, and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Filed by Erick Arguello on behalf of the Lower 24th Street Merchant Association, and subscribed by Supervisors Campos, Mar, Chiu, Chu, Mirkarimi, and Avalos.)

(Filed August 2, 2010; Companion Measure to File Nos. 101046, 101047, 101048.)

The President inquired as to whether any member of the public wished to address the Board. Gail Malinson (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Male Speaker; Robin Mathey; Christine Olsen; Steven Krolik; Chris Houston; David Tornheim; Frank Gregory; Bill Neito; Eric Brooks; Male Speaker; spoke in support of the appeal. Tara Sullivan; Male Speaker (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Bill Stevens; Paul Allred (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Gail Malinson (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

(Only one of the following two motions should be approved.)

101046 [Approving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion approving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

101047 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion disapproving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Motion No. M10-171

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

101048 [Preparation of Findings Related to the Conditional Use Appeal for 10 Bernal Heights Boulevard]

Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard. (Clerk of the Board)

Motion No. M10-172

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Public Hearing amended by approval of File No. 101404.

101405 [Public Hearing - Take Public Input and Discuss the Process to Appoint a Successor Mayor]

Sponsors: Avalos; Campos and Daly

Hearing to take public input and discuss the process by which the Board of Supervisors may exercise its exclusive jurisdiction under the Charter to appoint a successor Mayor for the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to File Nos. 101405 and 101406. David Day; Male Speaker; Gabriel Haaland; Jeff Henke; Male Speaker; Female Speaker; Pedro Gonzalez; Robby Reedmeyer; Gabby Soto; Male Speaker; spoke on concerns relating to the selection of a successor Mayor. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101406 [Appointing a Successor Mayor]

Sponsors: Avalos; Campos and Daly

Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

TABLED BY OPERATION OF LAW

COMMITTEE REPORTS

101057 [Planning Code - Health Care Services Master Plan]

Sponsors: Campos; Mar, Maxwell, Mirkarimi, Avalos, Chiu and Daly

Ordinance amending the San Francisco Planning Code by adding Sections 342 to 342.10 requiring the preparation of a Health Care Services Master Plan identifying the current and projected needs for, and locations of, health care services within San Francisco and recommending how to achieve and maintain appropriate distribution of, and equitable access to, such services; requiring that any change of use to a Medical Use, as defined, that will occupy a space exceeding 10,000 gross square feet of floor area, or an expansion of any existing Medical Use by at least 5,000 gross square feet of floor area obtain a Consistency Determination from the Planning Commission or the Planning Department determining that the proposed use or expansion promotes the goals recommended in the Master Plan; providing fees for time and material costs incurred to prepare the Consistency Determination, and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1 and environmental findings.

Privilege of the floor was granted to Kate Stacy (City Attorney's Office) who responded to questions raised throughout the discussion regarding File No. 101057.

Supervisor Campos, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED on Page 12, Line 9, by inserting the following paragraph: 'Section 342.6(d) The Board of Supervisors or Board of Appeal, as applicable, shall act on the appeal of the Consistency Determination at the same time it acts on other entitlements for the proposed use. The Board of Supervisors or Board of Appeal, as applicable, may find that countervailing public policy considerations justify approval of the entitlement despite any inconsistency with the Health Care Services Master Plan.'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chu, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED AS AMENDED to November 23, 2010. The motion FAILED by the following vote:
Ayes: 3 - Alioto-Pier, Chu, Elsbernd
Noes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced.

PUBLIC COMMENT

Supervisor Campos was noted absent at 8:55 p.m.

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Joshua; expressed concerns relating to the SF Police Department.
Peter Warfield; expressed concerns relating to the SF Public Library.
Steven Gerard; expressed various concerns.
Male Speaker; expressed various concerns.
Female Speaker; expressed various concerns.
Edmond Juicye; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101398 [Accept and Expend Grant - Project ITRIP - $42,384]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $42,384 from the University of California, San Francisco (UCSF), to fund the project ITRIP Follow Up; for the period of September 1, 2010, through February 28, 2011, waiving indirect costs. (Public Health Department)

ADOPTED

101399 [Accept and Expend Grant - WritersCorps Program - $10,200]

Sponsors: Chu; Dufty

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $10,200 from the California Arts Council's Artists in Schools Program to help support the cost of a WritersCorps contracted teaching artist at Mission High School in San Francisco. (Arts Commission)

Supervisor Dufty requested to be added as a co-sponsor.

ADOPTED

101400 [Accept and Expend Grant - Arts Commission's Art Education Program - $15,000]

Sponsor: Chu

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $15,000 from the California Art Council to help support the Arts Commission's Arts Education Program. (Arts Commission)

ADOPTED

101401 [Supporting the Promotion and Deployment of Broadband Internet Access in California and San Francisco]

Sponsor: Chiu

Resolution joining with 31 California counties in supporting the work of the California Emerging Technology Fund's Get Connected! public awareness program; embracing the California Emerging Technology Fund's goal to achieve broadband Internet access at home for 80% of all Californians by 2015; embracing a goal to achieve broadband Internet access for 90% of San Franciscans by 2015, with a focus on connecting seniors and low income households; requesting that the Department of Technology report back on strategic actions planned that will remove barriers and promote the deployment and adoption of broadband.

ADOPTED

101402 [Declaring November 18, 2010, as Bay Area Young Positives Day]

Sponsors: Dufty; Campos

Resolution declaring November 18, 2010, as Bay Area Young Positives Day to recognize 20 years of providing peer-based, specialized, culturally competent services to the San Francisco Bay Area's HIV positive youth.

ADOPTED

101403 [Declaring December 9, 2010, as CHEER SF Day in San Francisco]

Sponsors: Dufty; Campos

Resolution declaring December 9, 2010, as CHEER SF Day in San Francisco to commemorate the 30th Anniversary of the world's first LGBT-identified cheerleading team that raises funds for local, national, and international service agencies.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 2 - Campos, Mar

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Daly requested that File Nos. 101139 and 101404 be severed so that they may be considered separately.

101139 [Process for Nominating and Selecting a Successor Mayor]

Sponsor: Chiu

Motion directing the Clerk of the Board of Supervisors to propose a process for nominating and selecting a successor to the Mayor.

The President inquired as to whether any member of the public wished to address the Board on File Nos. 101139 and 101404. Male Speaker; Ace Washington; Male Speaker; John Rizzo; David Tornheim; Julian Davis; Angelica Cabande; Rachel Ebora, Joseph Smooke; Male Speaker; Brian Basinger; Male Speaker; Tommy Avoccoli-Mecca; Tab Buckner; Brenda Barrell; Christopher Cooke; Rebecca Tumara; Female Speaker; Emma Gerald; Crystal Jabba; Alysabeth Alexander; Jorge Garcia; Kay Walker; Gabriel Haaland; Steve Varjofske; Michael Tom; Frank Martine-Del Campo; Mario Ortegas; Female Speaker; Peter Warfield; Darryl Jones; spoke on concerns relating to the process of selecting a successor Mayor. There were no other speakers. The President declared public comment closed.

Privilege of the floor was granted to Nancy J. Clark; James Williams; Orry P. Korb (Office of Mr. Miguel Marquez, Office of the County Counsel, County of Santa Clara) who responded to questions raised throughout the discussion regarding File Nos. 101139 and 101404.

Motion No. M10-173

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

101404 [Committee of the Whole – Public Hearing to Take Public Input and Discuss the Process to Appoint a Successor Mayor]

Sponsor: Avalos

Motion that the Board convene as a Committee of the Whole on November 16, 2010, to consider the appointment of successor Mayor for the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board on File Nos. 101139 and 101404. Male Speaker; Ace Washington; Male Speaker; John Rizzo; David Tornheim; Julian Davis; Angelica Cabande; Rachel Ebora, Joseph Smooke; Male Speaker; Brian Basinger; Male Speaker; Tommy Avoccoli-Mecca; Tab Buckner; Brenda Barrell; Christopher Cooke; Rebecca Tumara; Female Speaker; Emma Gerald; Crystal Jabba; Alysabeth Alexander; Jorge Garcia; Kay Walker; Gabriel Haaland; Steve Varjofske; Michael Tom; Frank Martine-Del Campo; Mario Ortegas; Female Speaker; Peter Warfield; Darryl Jones; spoke on concems relating to the process of selecting a successor Mayor. There were no other speakers. The President declared public comment closed.

Privilege of the floor was granted to Nancy J. Clark; James Williams; Orry P. Korb (Office of Mr. Miguel Marquez, Office of the County Counsel, County of Santa Clara) who responded to questions raised throughout the discussion regarding File Nos. 101139 and 101404.

Supervisor Avalos, seconded by Supervisor Chiu, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to 'Motion that the Board of Supervisors convene as a Committee of the Whole on November 16, 2010, to take public input and discuss the process by which the Board of Supervisors may exercise its exclusive jurisdiction under the Charter to appoint a successor Mayor for the City and County of San Francisco.' The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

Motion No. M10-174

APPROVED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 1 - Mar

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or Mayor

Ordinances

101443 [Accept and Expend Grant - Three Part-Time Q4 Police Officer III Positions - $424,107]

Sponsor: Alioto-Pier

Ordinance authorizing the San Francisco Police Department, on behalf of the City and County of San Francisco, to retroactively accept and expend grant funds in the amount of $424,107 from the United States Department of Justice/National Institute of Justice "Solving Cold Cases with DNA" Grant Program; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) part-time positions (1.50 FTE total) in job classification Q4 Police Officer III in the San Francisco Police Department.

11/16/10; RECEIVED AND ASSIGNED to Public Safety Committee.

101444 [Accept and Expend Grant - Chinatown Broadway Streetscape Improvement Design Plan - $250,000]

Sponsor: Chiu

Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of $250,000 from the California Department of Transportation, Division of Transportation Planning for the FY 2010-2011 Environmental Justice Grant for the Chinatown Broadway Streetscape Improvement Design Plan, and amending Ordinance 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.06 FTE), in the Planning Department.

11/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101445 [Public Works Code - Banners on the Path of Gold]

Sponsor: Dufty

Ordinance amending Public Works Code Section 184.78 to allow city neighborhood banners, as defined in Section 184.78, to be posted on the Path of Gold lamp posts lining Market Street; and adopting environmental findings.

11/16/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 12/16/2010.

101446 [Accept and Expend Grant - Central Corridor Growth Strategy and Design Plan - $250,000]

Sponsor: Mayor

Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of $250,000 from the California Department of Transportation, Division of Transportation Planning, for the CalTrans Community-Based Transportation Grant for the Central Corridor Growth Strategy and Design Plan, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.15 FTE), in the Planning Department.

11/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101458 [Administrative Code - Extending Operation of Voting Systems Task Force]

Sponsor: Campos

Ordinance amending the San Francisco Administrative Code by amending Sections 5.400 and 5.410 and adding Section 5.415 to extend the operation of the Voting Systems Task Force to June 30, 2011.

11/16/10; RECEIVED AND ASSIGNED to Rules Committee.

100495 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]

Sponsor: Alioto-Pier

Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents and determinations under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents and determinations.

04/20/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/21/2010.

04/27/10; REFERRED TO DEPARTMENT.

05/04/10; RESPONSE RECEIVED.

07/14/10; RESPONSE RECEIVED.

07/20/10; SUBSTITUTED.

07/20/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

07/26/10; REFERRED TO DEPARTMENT.

09/21/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

09/23/10; REFERRED TO DEPARTMENT.

11/16/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

101310 [Public Works Code - Regulation of Freestanding Newsracks and Fixed Pedestal Newsracks]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Public Works Code by amending Sections 184.2, 184.6, 184.8, and 184.12 thereof, relating to newsracks, to provide for: (1) the use of electronic mail for notices of violations; (2) removal of abandoned newsracks or newsracks maintained in violation of the Public Works Code within 7 calendar days of notice of violation sent by electronic mail; (3) imposition of administrative fines for violations resulting in newsrack seizures; (4) consolidation and/or reduction in size of fixed pedestal newsracks at under-used locations; (5) allocation of space in newsrack boxes on a first-come-first-served basis under certain circumstances; and (6) reduction of the fixed pedestal permit fee from $60 to $50.

10/19/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 11/18/2010.

11/16/10; SUBSTITUTED AND ASSIGNED to City Operations and Neighborhood Services Committee.

101349 [Administrative Code - DNA Testing in Sexual Assault Cases]

Sponsor: Alioto-Pier

Ordinance implementing the California "Sexual Assault Victims' Bill of Rights" by amending the San Francisco Administrative Code to: (1) add Section 2A.89 to require the Police Department to develop and implement procedures to collect and test DNA samples in sexual assault cases and provide information and notices to victims, require the Mayor to report on DNA collection and testing performance as part of the budget submission, and make it the policy of the City and County of San Francisco to appropriate sufficient funds each fiscal year to ensure timely testing of DNA evidence in sexual assault cases; and (2) add Section 10.100-172 to establish the Police DNA Testing in Sexual Assault Cases Account.

10/26/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 11/25/2010.

11/16/10; SUBSTITUTED AND ASSIGNED to Public Safety Committee.

101055 [Environment Code - Checkout Bags; Checkout Bag Charge]

Sponsor: Mirkarimi

Ordinance amending Chapter 17 of the San Francisco Environment Code by amending Section 1702, to extend the mandatory use of recyclable or compostable checkout bags from supermarkets and chain pharmacies to all retail establishments in the City, and clarify terms and adding Section 1703.5, to require stores to add a Checkout Bag Charge of 10 cents if they provide a customer with a checkout bag; setting an operative date of July 1, 2011, and making environmental findings.

08/03/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee.

08/12/10; REFERRED TO DEPARTMENT.

10/12/10; RESPONSE RECEIVED.

11/16/10; SUBSTITUTED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Resolutions

101390 [Gift Acceptance – Equipment and Furnishings - $14,000]
Sponsor: Elsbernd

Resolution authorizing the Department of Public Health, Laguna Honda Hospital and Rehabilitation Center, to accept a gift of merchandise, furniture, fixtures and equipment from Laguna Honda Volunteers, Inc. with a monetary value of up to $14,000. (Public Health Department)

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101409 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #1]
Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #1, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 109) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101412 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #2]
Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #2, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 110) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101415 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #3]
Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #3, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 111) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101418 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #4]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #4, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 112) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101421 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #5]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #5, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 113) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101424 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #7]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #7, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 115) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101427 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #9]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #9, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 117) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101430 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #C1]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #C1, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 118) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101433 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 60 Tehama Street]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 60 Tehama Street, San Francisco, California (Assessor's Parcel No. Block 3736, Lot 088) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101436 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 564 Howard Street]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 564 Howard Street, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 019) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101439 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 568 Howard Street]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 568 Howard Street, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 020) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101442 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 13 Easement Interests Across and Through 85 Natoma Street]

Sponsor: Daly

Resolution authorizing the acquisition of 13 easement interests across and through the real property commonly known as 85 Natoma Street, San Francisco, California (Assessor's Parcel No. Block 3721, Lots 109-118) (recorded in the official records of the City and County of San Francisco as Doc 2000-G860199-00, November 6, 2000) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; ASSIGNED to Board of Supervisors.

101447 [Accept and Expend Grant - Market and Octavia Historic Resource Preservation Project - $83,529]

Sponsor: Chiu

Resolution authorizing the San Francisco Planning Department to retroactively accept and expend a grant in the amount of $83,529 from the National Park Service for the period August 1, 2010, through August 31, 2012, in order to conduct the Market and Octavia Historic Resource Preservation Project.

11/16/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101448 [Installation of Public Art in the Hunters Point Shipyard Redevelopment Project Area - $80,000]

Sponsor: Maxwell

Resolution making findings under Section 33445 of the California Health and Safety Code and consenting to the Redevelopment Agency using approximately $80,000 in designated federal grant monies for the installation of Public Art in the Hunters Point Shipyard Redevelopment Project Area.

11/16/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101449 [Rehabilitation of Building 813 in the Hunters Point Shipyard Redevelopment Project Area - $7,258,890]

Sponsor: Maxwell

Resolution making findings under Section 33445 of the California Health and Safety Code and consenting to the Redevelopment Agency of the City and County of San Francisco's payment of funds in the amount of $7,258, 890 for the pre-development and rehabilitation of Building 813 in the Hunters Point Shipyard Redevelopment Project Area.

11/16/10; ASSIGNED to Land Use and Economic Development Committee.

101450 [Temporary Preservation Easement - Bayview Opera House - 4705 Third Street]

Sponsor: Maxwell

Resolution approving a temporary preservation easement affecting a City building located at 4705 Third Street, commonly known as the Bayview Opera House.

11/16/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

101451 [Accept and Expend Grant - High Risk Program and Pest Exclusion/Nursery Inspection - $47,796]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively two grants (Agreement Nos. 10-0539 and 10-0404) totaling $47,796 from the California Department of Food and Agriculture to fund the High Risk Program and the Pest Exclusion/Nursery Inspection, both for the period of July 1, 2010, through June 30, 2011.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101452 [Accept and Expend Grant - Crucial Transitions in Young Opioid Users in Iran - $6,280]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $6,280 from the University of California San Francisco, to participate in a program entitled "Crucial Transitions in Young Opioid Users in Iran," for the period of November 1, 2010, through August 31, 2011.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101259 [34th America's Cup Host City Agreement and Finding of Fiscal Feasibility]

Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Chu, Dufty and Maxwell

Resolution approving a Host City and Venue Agreement between the City, the America's Cup Event Authority and the San Francisco America's Cup Organizing Committee; authorizing the Mayor or his designee and the Port to execute the Host City and Venue Agreement; authorizing and urging the Mayor, Office of Economic and Workforce Development, Port and such other City Officials as appropriate to take such steps and execute such additional agreements as are consistent with the Host City and Venue Agreement and this Resolution to bring the 34th America's Cup to the San Francisco Bay; and finding that the proposed Event is fiscally feasible as set forth in Administrative Code Chapter 29.
Economic Impact

11/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

11/16/10; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

Motions

101407 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Interest in Real Property By Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #1]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010 at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of real property commonly known as 85 Natoma Street #1, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 109) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101410 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Real Property By Eminent Domain for Transbay Transit Center Program – 85 Natoma Street #2]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010 at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of real property commonly known as 85 Natoma Street #2, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 110) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101413 [Committee of the Whole - December 7, 2010 - Public Hearing on Adopting Resolution to Acquire Real Property By Eminent Domain for Transbay Transit Center Program – 85 Natoma Street #3]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010 at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of real property commonly known as 85 Natoma Street #3, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 111) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101416 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Real Property By Eminent Domain for Transbay Transit Center Program – 85 Natoma Street #4]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010 at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of real property commonly known as 85 Natoma Street #4, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 112) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101419 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Real Property By Eminent Domain for Transbay Transit Center Program – 85 Natoma Street #5]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010 at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of real property commonly known as 85 Natoma Street #5, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 113) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101422 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Real Property By Eminent Domain for Transbay Transit Center Program – 85 Natoma Street #7]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010 at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of real property commonly known as 85 Natoma Street #7, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 115) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101425 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Real Property By Eminent Domain for Transbay Transit Center Program – 85 Natoma Street #9]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010 at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of real property commonly known as 85 Natoma Street #9, San Francisco, California (Assessor's Parcel No. Block No. 3721, Lot 117) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101428 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Real Property By Eminent Domain for the Transbay Transit Center Program – 85 Natoma Street #C1]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010 at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of real property commonly known as 85 Natoma Street #C1, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 118) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101431 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Real Property By Eminent Domain for Transbay Transit Center Program - 60 Tehama Street]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010 at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of real property commonly known as 60 Tehama Street, San Francisco, California (Assessor's Parcel No. Block 3736, Lot 088) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101434 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Real Property By Eminent Domain for Transbay Transit Center Program - 564 Howard Street]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010 at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of real property commonly known as 564 Howard Street, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 019) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101437 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Real Property By Eminent Domain for Transbay Transit Center Program – 568 Howard Street]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010 at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of real property commonly known as 568 Howard Street, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 020) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101440 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Real Property by Eminent Domain for Transbay Transit Center Program – 13 Easement Interests Across and through 85 Natoma Street]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010 at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of 13 easement interests across and through the real property commonly known as 85 Natoma Street, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 109-118) (recorded in the official records of the City and County of San Francisco as Doc 2000-G860199-00, November 6, 2000) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101455 [Committee of the Whole - Public Hearing to Create a Process for the Appointment of a Successor Mayor; Possibly Amending Rules of Order]

Motion that the Board of Supervisors convene as a Committee of the Whole on November 23, 2010 at 3:00 p.m. to approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

101457 [Creating a Process for the Appointment of a Successor Mayor; Possibly Amending Board of Supervisors Rules of Order]

Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

101465 [Appointment of a Successor Mayor]

Sponsor: Daly

Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

11/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Hearings

101408 [Public Hearing - Resolution Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #1]

Sponsor: Daly

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #1, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 109) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101411 [Public Hearing - Resolution Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #2]

Sponsor: Daly

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #2, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 110) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101414 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #3]

Sponsor: Daly

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #3, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 111) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101417 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #4]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #4, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 112) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101420 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #5]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #5, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 113) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101423 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #7]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #7, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 115) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101426 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #9]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #9, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 117) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101429 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street #C1]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street #C1, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 118) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101432 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 60 Tehama Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 60 Tehama Street, San Francisco, California (Assessor's Parcel No. Block 3736, Lot 088) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101435 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 564 Howard Street]

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 564 Howard Street, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 019) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101438 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 568 Howard Street]

Sponsor: Daly

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of real property commonly known as 568 Howard Street, San Francisco, California (Assessor's Parcel No. Block 3721, Lot 020) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Clerk of the Board)

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101441 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 13 Easement Interests Across and Through 85 Natoma Street]

Sponsor: Daly

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of 13 easement interests across and through the real property commonly known as 85 Natoma Street, San Francisco, California (Assessor's Parcel No. Block 3721, Lots 109-118) (recorded in the official records of the City and County of San Francisco as Doc 2000-G860199-00, November 6, 2000) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

11/10/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

101454 [Mayor's Office and Controller - FY2010-2011and FY2011-2012]

Sponsor: Avalos

Hearing to inquire of the Mayor's Office and Controller on: 1) projected revenues and shortfalls for FY2010-2011 and FY2011-2012; 2) ongoing salary savings; 3) possible mid-year cuts; and 4) the Mayor's FY2011-2012 Budget Instructions.

11/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101456 [Public Hearing - Process for the Appointment of a Successor Mayor; Possibly Amending Rules of Order]

Hearing to discuss the proposed Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

11/16/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

Introduced by the President at the Request of Departments

PROPOSED RESOLUTION

100598 [Lease of Real Property at 238 Eddy Street]
Resolution authorizing the Master Lease of the Windsor Hotel at 238 Eddy Street for the Department of Public Health. (Real Estate Department)

11/08/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 9:05 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENTS DEPT

NOV 3 0 2010

SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, November 23, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:16 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of October 19, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

101271 [Appropriating $9,035,065 of Certificate of Participation Expenses for Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability for FY2010-2011]

Sponsor: Mayor

Ordinance appropriating $9,035,065 of Certificate of Participation Series 2011A Delivery Date Expenses to fund multiple Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability in the General Services Agency - Office of the City Administrator for FY2010-2011, and placing these funds on Controller's reserve pending issuance of the Certificates of Participation.

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

101157 [Administrative Code - Updating Provisions Consistent with State and Local Law and Related Clean-Up Provisions on Employee Relations]

Sponsor: Mayor

Ordinance amending Section 16.200 through Section 16.222 of the San Francisco Administrative Code regarding Employee Relations to update provisions consistent with state and local law and related clean-up provisions.

FINALLY PASSED

Recommendations of the Rules Committee

101289 [Settlement of Lawsuit - Nyree Monroe - Up to $31,000]

Ordinance authorizing settlement of the lawsuit filed by Nyree Monroe against the City and County of San Francisco for up to $31,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498109; entitled Nyree Monroe v. City and County of San Francisco; other material terms of said settlement are reinstatement. (City Attorney)

FINALLY PASSED

101290 [Settlement of Lawsuit - Edward Kriete - $575,000]

Ordinance authorizing settlement of the lawsuit filed by Edward Kriete against the City and County of San Francisco for $575,000; the lawsuit was filed on April 17, 2009, in the San Francisco Superior Court, Case No. CGC 09-487483; entitled Edward Kriete v. City and County of San Francisco. (City Attorney)

FINALLY PASSED

101303 [Settlement of Lawsuit - Viz Media, LLC - $219,000]

Ordinance authorizing settlement of the lawsuit filed by Viz Media, LLC, against the City and County of San Francisco for $219,000; the lawsuit was filed on August 10, 2010, in San Francisco Superior Court, Case No. CGC-10-502460; entitled Viz Media, LLC, v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

101340 [Settlement of Lawsuit - Regal Stone, Ltd. - City to Receive $3,717,096.52]

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Regal Stone, Ltd, et al. for the sum of $3,717,096.52, including previous initial payment of $2,000,000; the lawsuit was filed on December 10, 2007, in San Francisco Superior Court, Case No. CGC-07-469876 (transferred to Monterey County Superior Court, Case No. M98173); entitled City and County of San Francisco, et al., v. Regal Stone, Ltd., et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Elsbernd requested that File No. 101288 be severed so that it may be considered separately.

101288 [Settlement of Lawsuit - Cheryl Austin - $268,452]

Ordinance authorizing settlement of the lawsuit filed by Cheryl Austin against the City and County of San Francisco for $268,452, inclusive of attorneys' fees and costs; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498110; entitled Cheryl Austin v. City and County of San Francisco. (City Attorney)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

101096 [Health Code - Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or Other Youth Focused Incentive Items]

Sponsors: Mar; Campos, Chiu and Avalos

Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.9, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

Ordinance No. 290-10

APPROVED OVER THE MAYOR'S VETO by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the Budget and Finance Committee

091106 [Approval of a Historical Property Contract for 1818 California Street (Lilienthal-Orville Pratt House)]

Sponsor: Alioto-Pier

Resolution under Chapter 71 of the San Francisco Administrative Code, approving a historical property contract between Nakamura FLP, the owner of 1818 California Street (Lilienthal-Orville Pratt House), and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the City Operations and Neighborhood Services Committee

101351 [Planning Code - Zoning - Temporary Uses and Mobile Food Facilities]

Sponsor: Dufty

Ordinance amending the San Francisco Planning Code by adding Section 102.31 to define a Mobile Food Facility, amending Section 205 and adding Section 205.4 to establish a new category of temporary uses, and amending Sections 212, 790.91, 790.93 and 890.90 to clarify that Mobile Food Facilities need not be conducted within enclosed buildings; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101352 [Various Codes - Mobile Food Facilities - Department of Public Works Permitting Authority]

Sponsor: Dufty

Ordinance amending the San Francisco Police Code and San Francisco Public Works Code by repealing Articles 17.2 (Regulations for Mobile Caterers; Permit and License Provisions) and 17.3 (Permit Regulations for Pushcart Peddlers), transferring the regulations to a new Article 5.8 of the Public Works Code commencing with Section 184.80, redefining Mobile Caterers and Pushcart Peddlers as Mobile Food Facilities; making other amendments to implement the transfer, including new fee and penalty provisions and new notice and hearing procedures; amending Sections 440 and 451 of the San Francisco Health Code and repealing Section 249, amending Section 249.1, and adding Section 249.23 to the San Francisco Business and Tax Regulations Code to update definitions and add annual fees and plan check fees for Mobile Food Facilities; and adopting environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101057 [Planning Code - Health Care Services Master Plan]

Sponsors: Campos; Mar, Maxwell, Mirkarimi, Avalos, Chiu and Daly

Ordinance amending the San Francisco Planning Code by adding Sections 342 to 342.10 requiring the preparation of a Health Care Services Master Plan identifying the current and projected needs for, and locations of, health care services within San Francisco and recommending how to achieve and maintain appropriate distribution of, and equitable access to, such services; requiring that any change of use to a Medical Use, as defined, that will occupy a space exceeding 10,000 gross square feet of floor area, or an expansion of any existing Medical Use by at least 5,000 gross square feet of floor area obtain a Consistency Determination from the Planning Commission or the Planning Department determining that the proposed use or expansion promotes the goals recommended in the Master Plan; providing fees for time and material costs incurred to prepare the Consistency Determination, and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1 and environmental findings.

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

101079 [Administrative Code - Water Efficient Irrigation]

Sponsors: Mayor; Maxwell and Mar

Ordinance amending the San Francisco Administrative Code by repealing Chapter 63 in its entirety and adding a new Chapter 63, requiring the development and maintenance of landscape irrigation controls for specified new construction landscapes and landscape rehabilitation projects.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd

Recommendations of the Public Safety Committee

100455 [Environment Code - San Francisco Safe Drug Disposal Ordinance]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.
(Supervisor Elsbernd dissented in Committee.)

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Avalos, CONTINUED AS AMENDED ON FIRST READING to December 7, 2010, by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101062 [Health Code - Updating Enforcement and Compliance Procedures for Nuisance]
Sponsors: Avalos; Campos
Ordinance amending San Francisco Health Code Article 11 by amending Sections 580, 581, 596, 599, and 600, and adding Sections 596.5, and 610 to: 1) update nuisance definitions; 2) add potential attorneys' fees recovery for the prevailing party in those cases which the City elects to recover attorneys' fees; 3) add civil penalties; and 4) expand administrative penalties and procedures.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101331 [Prevailing Wage Rates - Various Workers Performing Work Under City Contracts]
Resolution fixing prevailing wage rates for: (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; (5) workers performing moving services under City contracts at facilities owned or leased by the City; and (6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (City Attorney)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101386 [Water Revenue Bonds Issuance for 2010 - Not to Exceed $600,000,000]
Sponsor: Elsbernd
Resolution approving the issuance of water revenue bonds and water revenue refunding bonds in an aggregate principal amount not to exceed $600,000,000 to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; authorizing the taking of appropriate actions in connection therewith; and related matters.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101075 [Building Code - Development Fee Collection Procedure and Administrative Fee]

Sponsor: Mayor

Ordinance amending the San Francisco Building Code by amending Section 107A.13 to modify the method of calculating the development fee deferral surcharge rate and to clarify when a project sponsor may elect to defer the payment of development impact and in-lieu fees, adopting environmental finding.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101193 [Approving General Plan Amendments in Connection with the Better Streets Plan]

Sponsors: Mayor; Mar and Campos

Ordinance amending the Urban Design and Transportation Elements of the San Francisco General Plan to incorporate the San Francisco Better Streets Plan by reference, and to make objectives and policies relating to pedestrian transportation consistent with the Better Streets Plan; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

Supervisor Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell, seconded by Supervisor Dufty, moved to rescind the previous vote. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Ordinance be AMENDED on Page 3, Lines 15-21, by adding 'I. The Board of Supervisors also finds that the proposed General Plan Amendments in this legislation and the San Francisco Bicycle Transportation Plan and General Plan amendments related thereto are intended, in part, to satisfy the requirements of California Government Code Section 65302(b)(2)(A), a provision of the California Completed Streets Act of 2008. The Board adopted the Bicycle Transportation Plan and related General Plan amendments, in Ordinance No. 188-09, which is on file with the Clerk of the Board in File No. 090868 and incorporated herein by reference.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101194 [Administrative Code, Public Works Code and Subdivision Code - Better Streets Plan Implementation]

Sponsors: Mayor; Mar and Campos

Ordinance adopting the Better Streets Plan; amending Chapter 98.1 of the Administrative Code to require street improvements to conform with the policies and guidance of the San Francisco Better Streets Plan (Better Streets Plan); amending various sections of the Planning Code to consolidate requirements for street improvements; to require street improvements to follow the policies and guidance of the Better Streets Plan; to expand and modify existing requirements for provision of street trees; to require specified projects to submit a streetscape plan with application submission; and to describe additional requirements for certain areas of the City subject to neighborhood streetscape plans, including Downtown and Rincon Hill; amending various sections of the Public Works Code to be consistent with the Better Streets Plan, including waiving public right-of-way occupancy fees for Better Streets Plan elements; amending Sections 1335, 1336, and 1337 of the Subdivision Code to require streetscape, pedestrian, and stormwater improvements consistent with the Better Streets Plan as part of subdivision approvals; and making findings, including environmental findings and findings that the Planning Code amendments and General Plan amendments are consistent, on balance, with the General Plan and Planning Code Section 101.1.

Supervisor Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101219 [Relocation Impact Study and Last Resort Housing Plan for Central Subway Project]

Ordinance approving the San Francisco Municipal Transportation Agency's Relocation Impact Study and Last Resort Housing Plan for the Central Subway Project. (Municipal Transportation Agency)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

101190 [Police Code - Registration and Other Requirements for Event Promoters]

Sponsors: Chiu; Maxwell

Ordinance adding Article 15.7 to the San Francisco Police Code, requiring event promoters to register with the Entertainment Commission; prohibiting holders of certain entertainment-related permits, and registered promoters, from retaining an unregistered promoter to hold an event; and authorizing under certain circumstances for certain promoters reporting requirements, increased security plan requirements for events they promote, general liability insurance requirements, a criminal background check requirement, and other requirements.

Supervisor Chiu, seconded by Supervisor Mirkarimi, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu, seconded by Supervisor Avalos, moved that this Ordinance be RE-REFERRED to the Public Safety Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101456 [Public Hearing - Process for the Appointment of a Successor Mayor; Possibly Amending Rules of Order]

Hearing to discuss the proposed Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed selection process as referenced in File No. 101457. Angela Calvillo, Clerk of the Board, provided an overview of the proposed process. A question and answer period followed. Ms. Calvillo responded to questions raised throughout the discussion. Francisco DaCosta; Abdallah Megaheed; Walter Paulson; Stephanie Lemos; Julian Davis; Daniel Landry; Male Speaker; Eric Brooks; Douglas Yep; Antonio Morales; Male Speaker; Male Speaker; Female Speaker; Otto Duffy; expressed various concerns relating to proposed process. There were no other speakers. Another question and answer period followed. Orry P. Korb and Nancy J. Clark, Outside Counsel from Santa Clara County, responded to questions raised throughout the discussion. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101457 [Creating a Process for the Appointment of a Successor Mayor]

Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that Exhibit A to this Motion be AMENDED. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

APPROVED AS AMENDED. The motion FAILED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that Exhibit A to this Motion be AMENDED to remove that would require a two-thirds vote according to Roberts' Rules of Order. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED on Page 1, Lines 1-2 by deleting '; Possibly Amending Rules of Order' and Lines 5-6 by deleting '; possibly amending the Rules of Order by adding a new Section 7,' and Lines 6-7 by deleting '; and waiving Rules 4.38, which refers amendments to the Rules of Order to the Rules Committee.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion to consider and approve a one-time process to appoint a successor Mayor, if a vacancy occurs and create said process. (Clerk of the Board)

Motion No. M10-178

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101466 [Public Hearing - Appointment of a Successor Mayor]

Sponsor: Daly

Hearing to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Hearing is CONTINUED to December 7, 2010.

Committee of the Whole Adjourn and Report

101467 [Appointment of a Successor Mayor]

Sponsor: Daly

Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Motion is CONTINUED to December 7, 2010.

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Avalos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to the members of the Caper Cutters in recognition of 60 years of do-se-doing, their accomplishments, and continued community support.

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to MamaCoAtl Chantiko in recognition of her accomplishments and continued community support.

COMMITTEE REPORTS

From the Rules Committee Without Recommendation

101237 [Appointment, Planning Commission - Rodney Fong]

Sponsor: Mayor

Motion approving the Mayor's appointment of Rodney Fong to the Planning Commission term ending July 1, 2014.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101238. Transmittal date - September 24, 2010.)

Motion No. M10-175

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101238 [Appointment, Planning Commission - Rodney Fong]

Motion rejecting the Mayor's appointment of Rodney Fong to the Planning Commission term ending July 1, 2014.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File No. 101237. Transmittal date - September 24, 2010.)

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Female Speaker; expressed concerns relating to appointing successor Mayor.
Male Speaker; expressed concerns relating to security guards and officers.
Francisco DaCosta; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101390 [Gift Acceptance - Equipment and Furnishings - $14,000]

Sponsor: Elsbernd

Resolution authorizing the Department of Public Health, Laguna Honda Hospital and Rehabilitation Center, to accept a gift of merchandise, furniture, fixtures and equipment from Laguna Honda Volunteers, Inc. with a monetary value of up to $14,000.

ADOPTED

101451 [Accept and Expend Grant - High Risk Program and Pest Exclusion/Nursery Inspection - $47,796]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively two grants (Agreement Nos. 10-0539 and 10-0404) totaling $47,796 from the California Department of Food and Agriculture to fund the High Risk Program and the Pest Exclusion/Nursery Inspection, both for the period of July 1, 2010, through June 30, 2011.

ADOPTED

101452 [Accept and Expend Grant - Crucial Transitions in Young Opioid Users in Iran - $6,280]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $6,280 from the University of California San Francisco, to participate in a program entitled "Crucial Transitions in Young Opioid Users in Iran," for the period of November 1, 2010, through August 31, 2011.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Daly requested that File No. 101407 be severed so that it may be considered separately.

101407 [Committee of the Whole - December 7, 2010 - Public Hearing to Acquire Various Real Properties by Eminent Domain for Transbay Transit Center Program]

Sponsor: Daly

Motion that the Board of Supervisors hold a public hearing on December 7, 2010, at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider acquisition of various real properties by eminent domain for the public purpose of constructing the Transbay Transit Center Program.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED on Page 2, Lines 10-14, by replacing '85 Natoma Street (File Nos. 101441 and 101442) (Block No. 3721, Lot Nos. 109-118)' with '13 parking easement interests across and through 85 Natoma Street (File Nos. 101441 and 101442) (Benefitted parcels Block No. 3721, Lot Nos. 093-105; burdened parcels Block No. 3721, Lot Nos. 109-118).' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion No. M10-176

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu requested that File Nos. 101455 and 101465 be severed so that they may be considered separately.

101455 [Committee of the Whole - Public Hearing to Create a Process for the Appointment of a Successor Mayor; Possibly Amending Rules of Order]

Motion that the Board of Supervisors convene as a Committee of the Whole on November 23, 2010, at 3:00 p.m. to approve a one-time process to appoint a successor Mayor, if a vacancy occurs; possibly amending the Rules of Order by adding a new Section 7, creating said process; and waiving Rule 4.38, which refers amendments to the Rules of Order to the Rules Committee. (Clerk of the Board)

Motion No. M10-177

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101465 [Committee of the Whole - Public Hearing to Take Nominations and Appoint a Successor Mayor in the Event of a Vacancy in the Office of the Mayor]

Sponsor: Daly

Motion that the Board of Supervisors convene as a Committee of the Whole on November 23, 2010, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED on Page 1, Line 5, by replacing 'November 23' with 'December 7' and Line 9 by replacing 'November 23' with 'December 7.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion that the Board of Supervisors convene as a Committee of the Whole on December 7, 2010, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED AS AMENDED to December 7, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

101463 [Settlement of Lawsuit - Lexington Insurance - City to Receive $2,750,000; Appropriating Settlement Proceeds]

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. Lexington Insurance Company, San Francisco County Superior Court Case No: CGC-10-498967 (Action), removed to United States District Court, N.D. Cal., Case No: 3:10-CV1-02188-SI, arising from an insurance coverage dispute involving a claims-made Designers and Construction (i.e., professional liability) Project Specific Professional Liability and Pollution Liability Policy issued by Lexington Insurance Company (Lexington) to the San Francisco Public Utilities Commission for the period February 1, 2002, to February 1, 2006, policy number 1152114 (Lexington Policy), calling for payment of $2,750,000 from Lexington to the City and County of San Francisco and including other material terms of said settlement: (1) Lexington will have no further obligations under the Lexington Policy and said policy shall be considered null and void and of no further force and effect; (2) San Francisco will defend and hold harmless and indemnify Lexington from and against any demand against Lexington made under the Lexington Policy; (3) all parties will execute a mutual release; (4) San Francisco will execute and file a dismissal of all claims with prejudice; (5) the City and Lexington each shall bear its own legal costs and fees arising from this action; and appropriating the full proceeds from the settlement to fund the San Francisco Public Utilities Commission's attorney fees and legal expenses related to certain pending litigation matters. (City Attorney)

11/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101464 [Planning Code - Zoning - Amendment of Upper Market Neighborhood Commercial District; Extension of Market and Octavia Community Infrastructure Fee Area]

Ordinance amending the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721, and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to extend the Market and Octavia Community Infrastructure Fee area to include the portion of the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

11/15/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/15/2010.

PROPOSED RESOLUTIONS

101460 [Airport Concession Lease - Melshire DFW, L.P.]

Resolution approving the Terminal 2 Specialty Store Lease between Melshire DFW, L.P. dba Natalie's Candy Jar, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

11/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101461 [Contract Amendment - Sunol Valley Regional Construction Management Services - Water System Improvement Program Projects - Not to Exceed $19,000,000]

Resolution authorizing an amendment to the San Francisco Public Utilities Commission contract CS- 915R for Sunol Valley Regional Construction Management Services in the amount not to exceed $ 3,000,000, for a total agreement not to exceed amount of $19,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Sunol Valley Region, Alameda County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)

11/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101462 [Contract Amendment - Peninsula Habitat Restoration Construction Management Services - Water System Improvement Program Projects - Not to Exceed $26,000,000]

Resolution authorizing an amendment to the San Francisco Public Utilities Commission Contract No. CS- 916 for Peninsula Regional Construction Management Services in the amount not to exceed $ 4,000,000, for a total agreement not to exceed amount of $26,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Peninsula Region, San Mateo County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)

11/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:12 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, December 7, 2010 - 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

DEC 10 2010

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier, Mar	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:12 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of October 26, 2010, and November 2, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from John Arntz, Director of Elections, certifying the results of the votes as cast at the General Municipal Election held on November 2, 2010.

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

101299 [Accept and Expend Grant - Installation of Art at the Civic Center Plaza - $70,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $70,000 from the National Endowment for the Arts for the installation of Zhang Huan's Three Heads, Six Arms at the Civic Center Plaza.

ADOPTED

101329 [Liquor License Transfer - 163 Jessie Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 730-732 Broadway Street to 163 Jessie Street (District 6), to Jon Gasparini for the Jessie Street Cafe, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

101194 [Administrative Code, Public Works Code and Subdivision Code - Better Streets Plan Implementation]

Sponsors: Mayor; Mar and Campos

Ordinance adopting the Better Streets Plan; amending Chapter 98.1 of the Administrative Code to require street improvements to conform with the policies and guidance of the San Francisco Better Streets Plan (Better Streets Plan); amending various sections of the Planning Code to consolidate requirements for street improvements; to require street improvements to follow the policies and guidance of the Better Streets Plan; to expand and modify existing requirements for provision of street trees; to require specified projects to submit a streetscape plan with application submission; and to describe additional requirements for certain areas of the City subject to neighborhood streetscape plans, including Downtown and Rincon Hill; amending various sections of the Public Works Code to be consistent with the Better Streets Plan, including waiving public right-of-way occupancy fees for Better Streets Plan elements; amending Sections 1335, 1336, and 1337 of the Subdivision Code to require streetscape, pedestrian, and stormwater improvements consistent with the Better Streets Plan as part of subdivision approvals; and making findings, including environmental findings and findings that the Planning Code amendments and General Plan amendments are consistent, on balance, with the General Plan and Planning Code Section 101.1.

FINALLY PASSED

101075 [Building Code - Development Fee Collection Procedure and Administrative Fee]

Sponsor: Mayor

Ordinance amending the San Francisco Building Code by amending Section 107A.13 to modify the method of calculating the development fee deferral surcharge rate and to clarify when a project sponsor may elect to defer the payment of development impact and in-lieu fees, adopting environmental finding.

FINALLY PASSED

101219 [Relocation Impact Study and Last Resort Housing Plan for Central Subway Project]

Ordinance approving the San Francisco Municipal Transportation Agency's Relocation Impact Study and Last Resort Housing Plan for the Central Subway Project. (Municipal Transportation Agency)

FINALLY PASSED

101450 [Temporary Preservation Easement - Bayview Opera House - 4705 Third Street]

Sponsor: Maxwell

Resolution approving a temporary preservation easement affecting a City building located at 4705 Third Street, commonly known as the Bayview Opera House.

ADOPTED

Recommendations of the Rules Committee

101348 [Appointments, Food Security Task Force - Karen Gruneisen, Zetta Reicker, and Deloris McGee]

Motion appointing Karen Gruneisen, Zetta Reicker, and Deloris McGee, for indefinite terms, to the Food Security Task Force. (Clerk of the Board)
Karen Gruneisen, seat 7, new appointment, must be a representative of a community-based organization that provide nutritional support and increase the food security of San Francisco residents, for a term indefinite. The community member shall be nominated by the Task Force and may include but are limited to representatives from organizations serving food in the following program types: home-delivered meals; congregate meals for seniors; food bank; free dining room; multi-service agency serving families and youth; shelter meals; and faith-based organization. No organization shall have more than one representative on the Task Force.
Zetta Reicker, seat 15, new appointment, must be from the San Francisco Unified School District, for a term indefinite.

Motion No. M10-179

APPROVED

101397 [Appointment, Bicycle Advisory Committee - Edward Nicolson]

Motion appointing Edward Nicolson, term ending November 19, 2012, to the Bicycle Advisory Committee. (Clerk of the Board)
Edward Nicolson, seat 4, succeeding Jared Washkowitz, resigned, must be a nominee of District 4 Supervisor. The member shall serve a two-year term ending November 19, 2012 or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

Motion No. M10-180

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Economic Development Committee

101193 [Approving General Plan Amendments in Connection with the Better Streets Plan]

Sponsors: Mayor; Mar and Campos

Ordinance amending the Urban Design and Transportation Elements of the San Francisco General Plan to incorporate the San Francisco Better Streets Plan by reference, and to make objectives and policies relating to pedestrian transportation consistent with the Better Streets Plan; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

100455 [Environment Code - San Francisco Safe Drug Disposal Ordinance]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.
(Supervisor Elsbernd dissented in Committee.)

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Ordinance be CONTINUED ON FIRST READING to December 14, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101121 [Accept and Expend Grant - FY2010 Regional Catastrophic Preparedness Grant Program and Amend Annual Salary Ordinance, FY2010-2011 - $3,570,000]

Sponsors: Mayor; Alioto-Pier

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, serving as the primary grantee for the Regional Catastrophic Preparedness Grant Program Bay Area Site and as fiscal agent for the Urban Area Security Initiative Approval Authority, to retroactively accept and expend Regional Catastrophic Preparedness Grant Program grant funds in the amount of $3,570,000 from the United States Department of Homeland Security, through the California Emergency Management Agency, and to provide $181,478 as San Francisco's portion of required matching funds; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one grant-funded position (.75 FTE) in Class 5293 Planner IV in the Department of Emergency Management.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101122 [Accept and Expend Grant - FY2010 Urban Areas Security Initiative Grant and Amend Annual Salary Ordinance, FY2010-2011 - $34,262,131]

Sponsors: Mayor; Alioto-Pier

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the UASI Approval Authority, to retroactively accept and expend an Urban Areas Security Initiative grant in the amount of $34,262,131 from the United States Department of Homeland Security, through the California Emergency Management Agency; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of two grant-funded positions in the Department of Emergency Management, as follows: one position (.75 FTE) in Class 1823 Senior Administrative Analyst and one position (.75 FTE) in Class 1824 Principal Administrative Analyst.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100927 [Contract Approval - 18 Non-Profit Organizations and the University of California of San Francisco - Behavioral Health Services - $674,388,406]

Sponsor: Mayor

Resolution retroactively approving $674,388,406 in contracts between the Department of Public Health and 18 non-profit organizations and the University of California at San Francisco, to provide behavioral health services for the period of July 1, 2010, through December 31, 2015.
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101125 [Golden Gate Park Music Concourse Garage Refinance]

Sponsor: Mar

Resolution concurring in the recommendation of the Controller and the Director of the Office of Public Finance that the issuance of not to exceed $30,000,000 Tax Exempt Bank Qualified Bonds ("Bonds") with First Republic Bank for and on behalf of the Music Concourse Community Partnership, a California nonprofit public benefit corporation, is reasonably prudent; directing the Controller and the Director of the Office of Public Finance to do everything necessary and desirable to provide for the issuance of such Bonds; and providing public approval for the Bonds and the project financed and refinanced thereby for the purposes of Section 147(f) of the internal Revenue Code.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to December 14, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101265 [Accept and Expend Grant - CalHome - Not to Exceed $1,500,000]

Sponsor: Mayor

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the California Department of Housing and Community Development in a total amount not to exceed $1,500,000 to assist low-income first time homebuyers and low-income homeowners.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101387 [Design Agreement - Public Safety Building, Earthquake Safety, and Emergency Response Bond Program - Not to Exceed $17,205,152]

Sponsors: Mayor; Chiu

Resolution authorizing the Director of Public Works to execute an amendment to the professional services agreement for the design of a new public safety building under the Earthquake Safety and Emergency Response Bond Program to increase the not to exceed amount from $3,947,600 to $17,205,152.

Supervisor Chiu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Committee Without Recommendation

101311 [Administrative Code - San Francisco Local Hiring Policy for Construction]

Sponsors: Avalos; Mirkarimi, Campos and Daly

Ordinance amending the San Francisco Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Subsection 6.22(G) to: 1) establish a local hiring policy for City public work or improvement projects requiring contractors and their subcontractors to perform certain percentages of project work hours using San Francisco residents and disadvantaged San Francisco residents; 2) making findings in support of the policy; 3) authorizing incentives for contractors and subcontractors who exceed local hiring requirements; 4) mandating assessment of liquidated damages against contractors and subcontractors who fail to meet minimum local hiring requirements; and 5) establishing monitoring, enforcement, and administrative procedures in support of the policy.
(Economic Impact; Fiscal impact.)

Supervisor Daly requested to be added as a co-sponsor.

Privilege of the floor was granted to Buck Delventhal (City Attorney's Office) who responded to questions raised throughout the discussion further indicating the amendments made to File No. 101311 were non-substantive.

Supervisor Avalos, seconded by Supervisor Mirkarimi, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the City Operations Committee

101310 [Public Works Code - Regulation of Freestanding Newsracks and Fixed Pedestal Newsracks]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Public Works Code by amending Sections 184.2, 184.6, 184.8, and 184.12 thereof, relating to newsracks, to provide for: (1) the use of electronic mail for notices of violations; (2) removal of abandoned newsracks or newsracks maintained in violation of the Public Works Code within 7 calendar days of notice of violation sent by electronic mail; (3) imposition of administrative fines for violations resulting in newsrack seizures; (4) consolidation and/or reduction in size of fixed pedestal newsracks at under-used locations; (5) allocation of space in newsrack boxes on a first-come-first-served basis under certain circumstances; and (6) reduction of the fixed pedestal permit fee from $60 to $50.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendations of the Land Use and Economic Development Committee

100046 [Planning Code, Administrative Code - Amending Inclusionary Housing Ordinance]

Sponsors: Mayor; Chiu and Campos

Ordinance amending the Planning Code and Administrative Code by amending the Residential Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315 et seq.) (the "Program") to change the name of the Program to the Affordable Inclusionary Affordable Housing Program and to require all project applicants to pay the Affordable Housing Fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Sections 416 and 417 to make conforming amendments to the Inclusionary Affordable Housing Program; amending the Van Ness Market Special Use District, Section 249.33, to delete the provision that a project sponsor may only meet up to 50% of the Program's requirements through payment of the fee; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Dufty, seconded by Supervisor Campos, moved that this Ordinance be AMENDED on Page 123, Line 6, by deleting 'the Clerk and other.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101094 [Administrative Code - Child Care Centers for City Projects and City-Funded Private Projects]

Sponsors: Dufty; Alioto-Pier, Chiu, Mar, Maxwell and Campos

Ordinance amending the San Francisco Administrative Code by adding Chapter 29B to require a City agency, or a private developer that receives City funds for a development project, as defined, to prepare a feasibility study for providing an on-site child care center whenever it plans to construct or purchase a building, lease more than 50 percent of space in a private building for an initial term of more than one year, or alter more than 50 percent of the space in an existing building; adopting findings, including environmental findings.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Dufty, seconded by Supervisor Campos, moved that this Ordinance be AMENDED on Page 4, Lines 12-16, by replacing '(1) a development project of more than 25,000 gross square feet proposed and/or funded by a City agency; and (2) a development project of more than 25,000 gross square feet proposed by a private developer receiving any funds controlled by the City and County of San Francisco unless the developer is required to comply with Planning Code Section 414 et seq.' with '(1) a City development project of more than 25,000 gross square feet; and (2) a privately-sponsored project of more than 50,000 gross square feet receiving any funds controlled by the City and County of San Francisco unless the developer is required to comply with Planning Code Sections 414 et seq.'; and on Page 5, Lines 23-25, by replacing 'The sponsoring City agency shall be responsible for providing the information requested by DCYF and for paying DCYF for its services' with 'DCYF will provide the all of the applicable/needed data on child care need related to a specific project. DCYF would provide the child care data for demographics, existing area deficiencies, availability, and pricing. DCYF would also provide a list of appropriate consultants that have the expertise to conduct a child care feasibility study, as well as any technical assistance related to the understanding and effective use of the child care data required in the feasibility study. This would also ensure that the sponsoring department discusses the project with DCYF staff and would ensure that DCYF can educate the sponsoring department and/or their hired consultants about how to successfully implement child care services, where a need is identified.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101095 [Planning Code - Affordable Housing Program Exemption for Qualified Student Housing]

Sponsors: Dufty; Campos

Ordinance amending the Residential Inclusionary Affordable Housing Program, Planning Code Sections 415 et seq. to exempt certain Qualified Student Housing Projects, as defined, if the project meets certain requirements; adding corresponding definitions to Section 401; and making findings including environmental findings.
(Economic Impact.)

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Dufty, seconded by Supervisor Campos, moved that this Ordinance be AMENDED on Page 27, Line 22, by deleting 'the Clerk and other.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101313 [Planning Code, Zoning Map - Bayshore Boulevard Home Improvement Special Use District]

Sponsors: Maxwell; Campos and Dufty

Ordinance amending the San Francisco Planning Code by adding Section 249.65 to establish the Bayshore Boulevard Home Improvement Special Use District for the properties on lots fronting Bayshore Boulevard from Jerrold Avenue south to the 1-280 Freeway, the west side of Loomis Street from Jerrold Avenue south to the 1-280 Freeway, Oakdale Avenue from Loomis Street to Bayshore Boulevard, Marengo Street from Bayshore Boulevard to Waterloo Street and the west side of Boutwell Street from Industrial Street south to the 1-280 Freeway, and also including some lots on Cortland Avenue; amending the Zoning Map of the City and County of San Francisco to rezone the designated blocks and lots from the current M-1 and P/M-1 zoning to PDR-2, P/PDR-2 and the Bayshore Boulevard Home Improvement Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

101235 [Confirming Appointment, San Francisco Redevelopment Agency - Agnes Briones Ubalde]

Sponsor: Mayor

Motion confirming the appointment of Agnes Briones Ubalde to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2014.

Motion No. M10-181

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101236 [Confirming Appointment, Port Commission - F.X. Crowley]

Sponsor: Mayor

Motion confirming the appointment of F.X. Crowley to the Port Commission, term ending May 1, 2014.

Motion No. M10-182

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101285 [Confirming Reappointment, Edwin Lee as City Administrator]

Sponsor: Mayor

Motion confirming the reappointment of Edwin Lee to a five-year term as City Administrator under Charter Section 3.104.

Motion No. M10-183

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M

Board of Supervisors Sitting as a Committee of the Whole

101466 [Public Hearing - Appointment of a Successor Mayor]

Sponsor: Daly

Hearing to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Hearing is CONTINUED to December 14, 2010.

Committee of the Whole Adjourn and Report

101467 [Appointment of a Successor Mayor]

Sponsor: Daly

Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Hearing is CONTINUED to December 14, 2010.

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101500 [Public Hearing to Acquire Various Real Properties by Eminent Domain for Transbay Transit Center Program]

Sponsor: Daly

Hearing of persons interested in or objecting to proposed Resolutions authorizing the acquisition of real property commonly known as 85 Natoma Street #1 (File Nos. 101408 and 101409), (Block No. 3721, Lot No. 109); 85 Natoma Street #2 (File Nos. 101411 and 101412), (Block No. 3721, Lot No. 110); 85 Natoma Street #3 (File Nos. 101414 and 101415), (Block No. 3721, Lot No. 111); 85 Natoma Street #4 (File Nos. 101417 and 101418), (Block No. 3721, Lot No. 112); 85 Natoma Street #5 (File Nos. 101420 and 101421), (Block No. 3721, Lot No. 113); 85 Natoma Street #7 (File Nos. 101423 and 101424), (Block No. 3721, Lot No. 115); 85 Natoma Street #9 (File Nos. 101426 and 101427), (Block No. 3721, Lot No. 117); 85 Natoma Street #C1 (File Nos. 101429 and 101430), (Block No. 3721, Lot No. 118); 60 Tehama Street (File Nos. 101432 and 101433), (Block No. 3736, Lot No. 088); 564 Howard Street (File Nos. 101435 and 101436), (Block No. 3721, Lot No. 019); 568 Howard Street (File Nos. 101438 and 101439), (Block No. 3721, Lot No. 020); and 13 parking easement interests across and through 85 Natoma Street (File Nos. 101441 and 101442), (Benefitted parcels Block No. 3721, Lot Nos. 093-105; burdened parcels Block 3721, Lot Nos. 109-118) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of various properties as referenced in File Nos. 101409, 101412, 101415, 101418, 101421, 101424, 101427, 101430, 101433, 101436, 101439, and 101442. Supervisor Daly made opening remarks. Emilio Cruz (TJPA) provided an overview of the project and responded to questions raised throughout the discussion. There were no speakers in support of the project or the associated proposed acquisitions. Herman H. Fitgerald and Claude Gruen (564 Howard Street); Virgil Chan (568 Howard); Thomas Byrne (60 Tehama); Patrick McNerney (85 Natoma #1, #2, #4, #C1, and 13 parking easements); spoke in opposition to the project and the associated proposed acquisitions. There were no speakers in opposition of the project or the associated proposed acquisitions. Emilio Cruz (TJPA) provided a rebuttal and responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101409 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 1]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 1, San Francisco, California (Assessor's Block No. 3721, Lot No. 109) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101412 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 2]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 2, San Francisco, California (Assessor's Block No. 3721, Lot No. 110) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101415 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 3]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 3, San Francisco, California (Assessor's Block No. 3721, Lot No. 111) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101418 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 4]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 4, San Francisco, California (Assessor's Block No. 3721, Lot No. 112) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101421 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 5]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 5, San Francisco, California (Assessor's Block No. 3721, Lot No. 113) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101424 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 7]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 7, San Francisco, California (Assessor's Block No. 3721, Lot No. 115) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101427 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. 9]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. 9, San Francisco, California (Assessor's Block No. 3721, Lot No. 117) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101430 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 85 Natoma Street No. C1]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 85 Natoma Street No. C1, San Francisco, California (Assessor's Block No. 3721, Lot No. 118) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101433 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 60 Tehama Street]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 60 Tehama Street, San Francisco, California (Assessor's Block No. 3736, Lot No. 088) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101436 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 564 Howard Street]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 564 Howard Street, San Francisco, California (Assessor's Block No. 3721, Lot No. 019) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101439 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 568 Howard Street]

Sponsor: Daly

Resolution authorizing the acquisition of real property commonly known as 568 Howard Street, San Francisco, California (Assessor's Block No. 3721, Lot No. 020) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101442 [Authorizing the Acquisition of Real Property by Eminent Domain for Transbay Transit Center Program - 13 Easement Interests Across and Through 85 Natoma Street]

Sponsor: Daly

Resolution authorizing the acquisition of 13 easement interests across and through the real property commonly known as 85 Natoma Street, San Francisco, California (Assessor's Block No. 3721, Lot Nos. 109-118) (recorded in the official records of the City and County of San Francisco as Doc 2000-G860199-00, November 6, 2000) by eminent domain for the public purpose of constructing the Transbay Transit Center Program; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented Certificates of Honor to Leslie Roffman, Todd Wanerman, and Cassandra Britton of the Little School in recognition of their accomplishments and continued community support.

Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Officer Kevin Abbey of the San Francisco Police Department in recognition of his accomplishments, continued community support, and best wishes for his future endeavors.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Melanie Nutter (Department of the Environment) in recognition of the winners of BAAQMD's Great Race for Clean Air: Systime Computer Corporation, Civil Service Commission, Environmental Management & Planning Solutions, Walter P. Moore, the Department of the Environment, and the Department of Public Works.

COMMITTEE REPORTS

Recommendations of the Rules Committee

101098 [Administrative Code - Electronic Distribution of Multi-Page Documents]

Sponsors: Mirkarimi; Chiu, Campos and Mar

Ordinance amending the San Francisco Administrative Code by amending Sections 1.56 and 8.12.4, adding Section 8.12.5, and re-numbering Section 8.12-1 as 8.13, to provide for the electronic distribution of documents more than 10 pages long prepared by City departments.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101191 [Administrative Code - Publication Requirements]

Sponsors: Mirkarimi; Campos, Mar and Chiu

Ordinance amending Chapter 2 of the San Francisco Administrative Code by adding Article XII, Sections 2.96 through 2.100, to define "published" as required by San Francisco Charter Article XVII to: (1) establish requirements for publishing notices; (2) establish standards for and define the "City's Official Website Homepage;" (3) establish procedures for standardizing and defining notice and publication requirements for future proposed ordinances; and (4) authorize the Clerk of the Board of Supervisors to adopt regulations to implement this Article.

Supervisor Chiu requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101272 [Conflict of Interest Code Amendments]

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by (1) amending Section 3.1-103 to list the officials who must file statements of economic interests and ethics-related forms with the Ethics Commission; (2) amending Section 3.1-107 to clarify the scope of disclosure category 1; (3) amending Sections 3.1-140, 3.1-150, 3.1-155, 3.1-175, 3.1-190, 3.1-195, 3.1-205, 3.1-207, 3.1-218, 3.1-230, 3.1-240, 3.1-245, 3.1-250, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-312, 3.1-315, 3.1-320, 3.1-335, 3.1-362, 3.1-365, 3.1-390, 3.1-422, 3.1-445, 3.1-450 to update the list of designated employees who must file statements of economic interests; (4) deleting Sections 3.1-210 and 3.1-235 to reflect the current composition of City departments; and (5) adding Section 3.1-510 to identify the local officials who manage public investments. (Clerk of the Board)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101381 [Settlement of Lawsuit - Allison Ayer - $30,000]

Ordinance authorizing settlement of the lawsuit filed by Allison Ayer against the City and County of San Francisco for $30,000; the lawsuit was filed on January 28, 2010, in San Francisco Superior Court, Case No. CGC-10-496373; entitled Allison Ayer v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101382 [Settlement of Lawsuit - Charles Haynes - $50,000]

Ordinance authorizing settlement of the lawsuit filed by Charles Haynes against the City and County of San Francisco for $50,000; the lawsuit was filed on January 23, 2009, in the United States District Court, Northern District of California, Case No. C09-00174 PJH; entitled Charles Haynes, et al. v. City and County of San Francisco, et al. (City Attomey)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101383 [Settlement of Lawsuit - Guillermo Chavez - $30,000]

Ordinance authorizing settlement of the lawsuit filed by Guillermo Chavez against the City and County of San Francisco for $30,000; the lawsuit was filed on October 2, 2009, in San Francisco Superior Court, Case No. 439-130; entitled Guillermo Chavez v. City and County of San Francisco, et al.; other material terms of said settlement are: 1) $10,000 to be paid to the San Francisco Tax Collector's Bureau of Delinquent Revenue to satisfy the medical lien for treatment in this case; 2) $11,555 to be allocated to attorney's fees and litigation costs; 3) the balance of $8,445 is to be paid to the Bureau of Delinquent Revenue to pay down money owed by plaintiff to the City for medical treatment unrelated to the injuries in the lawsuit. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101458 [Administrative Code - Extending Operation of Voting Systems Task Force]

Sponsor: Campos

Ordinance amending the San Francisco Administrative Code by amending Sections 5.400 and 5.410 and adding Section 5.415 to extend the operation of the Voting Systems Task Force to June 30, 2011.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101384 [Settlement of Unlitigated Claim - Motorist Insurance Group and Ellis Brooks Chevrolet - $48,969.70]

Resolution approving the settlement of the unlitigated claim filed by Motorist Insurance Group and Ellis Brooks Chevrolet against the City and County of San Francisco for $48,969.70; claim was filed on May 4, 2010. (City Attorney)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Public Safety Committee

101190 [Police Code - Registration and Other Requirements for Event Promoters]

Sponsors: Chiu; Maxwell

Ordinance adding Article 15.7 to the San Francisco Police Code, requiring event promoters to register with the Entertainment Commission; prohibiting holders of certain entertainment-related permits, and registered promoters, from retaining an unregistered promoter to hold an event; and authorizing under certain circumstances for certain promoters reporting requirements, increased security plan requirements for events they promote, general liability insurance requirements, a criminal background check requirement, and other requirements.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101349 [Administrative Code - DNA Testing in Sexual Assault Cases]

Sponsors: Alioto-Pier; Chu

Ordinance implementing the California "Sexual Assault Victims' Bill of Rights" by amending the San Francisco Administrative Code to: (1) add Section 2A.89 to require the Police Department to develop and implement procedures to collect and test DNA samples in sexual assault cases and provide information and notices to victims, require the Police Department to report on DNA collection and testing performance as part of the budget submission, and make it the policy of the City and County of San Francisco to appropriate sufficient funds each fiscal year to ensure timely testing of DNA evidence in sexual assault cases; and (2) add Section 10.100-172 to establish the Police DNA Testing in Sexual Assault Cases Account.

Supervisor Chu requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101443 [Accept and Expend Grant - Three Part-Time Q4 Police Officer III Positions - $424,107]

Sponsor: Alioto-Pier

Ordinance authorizing the San Francisco Police Department, on behalf of the City and County of San Francisco, to retroactively accept and expend grant funds in the amount of $424,107 from the United States Department of Justice/National Institute of Justice "Solving Cold Cases with DNA" Grant Program; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) part-time positions (1.50 FTE total) in job classification Q4 Police Officer III in the San Francisco Police Department.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Laboria Pease Moore; expressed various concerns.
Anthony Fest; expressed concerns relating to the proposed KPFA legislation.
Male Speaker; expressed various religious concerns.
Edmond Juicye; expressed various concerns.

Supervisor Chu was noted absent at 5:34 p.m.; noted present at 5:47 p.m.
Supervisor Dufty was noted absent at 5:34 p.m.; noted present at 5:45 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101487 [Single Room Occupancy Task Force]

Sponsors: Dufty; Campos

Resolution amending the Single Room Occupancy Task Force to accurately reflect the administration of the program and to alter the membership of the task force to accurately reflect this change.

ADOPTED

101489 [Authorizing Use of General Fund Dollars as Matching Funds for Federal Medicaid Funding]

Sponsor: Mayor

Resolution authorizing the Department of Public Health to use General Fund dollars as matching funds to receive federal Medicaid funding for services provided through the Community-Living Support Benefit Waiver (AB 2968).

ADOPTED

101494 [Declaration of the November 2, 2010, Election Results]

Sponsor: Chiu

Resolution declaring the results of the November 2, 2010, Consolidated General Election. (Elections Department)

ADOPTED

101434 [Committee of the Whole - Public Hearing on Ground Lease of Redevelopment Agency Land at 701 Golden Gate Avenue to Mary Helen Rogers Senior Community, LP]

Sponsor: Daly

Motion scheduling the Board to sit as a Committee of the Whole on December 14, 2010, at 3:00 p.m., to hold a public hearing on the Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block No. 768, Lot No. 14, commonly known as 701 Golden Gate Avenue, southwest corner of Golden Gate Avenue and Franklin Street, San Francisco, California in San Francisco's Western Addition neighborhood, to Mary Helen Rogers Senior Community, LP, a California limited liability corporation, for 70 years for the purpose of developing housing for very low-income senior households.

Motion No. M10-184

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

The President requested that File No. 101465 be severed so that it may be considered separately. The President inquired as to whether any member of the public wished to address the Board relating to File No. 101465. Maggie Scottman; Paulette Brown; Karen Huggins; Rachel Agoura; Abdallah Megaheed; Walter Paulson; Laboria Pease Moore; Angela Chan; El Fabue; Female Speaker; Yolanda Salzar; Ace Washington; Lea Weiss; Female Speaker; Elizabeth Ortega; Lionel Sanchez; John Bean; Male Speaker; Umparo; John Saki; Jamel Carlson; Eric Brooks; Richard Endman; Christopher Cook; Female Speaker; Edmond Juicye; Willie; Bradley Wiedmeyer; Female Speaker; Leonard Coley; expressed various concerns relating to the motion to sit as a Committee of the Whole to appoint a Successor Mayor. There were no other speakers. The President declared public comment closed.

101465 [Committee of the Whole - Public Hearing to Take Nominations and Appoint a Successor Mayor in the Event of a Vacancy in the Office of the Mayor]

Sponsor: Daly

Motion that the Board of Supervisors convene as a Committee of the Whole on December 7, 2010, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be AMENDED on Page 1, Line 5, by replacing 'December 7' with 'December 14' and Line 9 by replacing 'December 7' with 'December 14.' The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be CONTINUED AS AMENDED to December 14, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 2 - Avalos, Daly

Supervisor Daly requested that File No. 101425 be severed so that it may be considered separately.

101425 [Protecting and Preserving the Palace of Fine Arts Swans]

Sponsor: Alioto-Pier

Resolution endorsing the presence of swans at the Palace of Fine Arts lagoon, and urging the Recreation and Park Department, Animal Care and Control, and the San Francisco Police Department to develop a plan for the protection and preservation of swans in the Palace of Fine Arts lagoon.

REFERRED to the City Operations and Neighborhood Services Committee

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

101483 [Park Code - Kezar Parking Fees]
Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.08, to increase the parking fees at the Kezar Parking lot, and making environmental findings. (Recreation and Park Department)

11/29/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/6/2011.

PROPOSED RESOLUTIONS

101479 [Sale of Surplus Property - 909 Tennessee Street - $1,310,000]
Resolution approving the sale of an improved surplus property located at 909 Tennessee Street, within Lot No. 001, Block No. 4108, City and County of San Francisco, for a purchase price of $1,310,000; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

11/29/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101481 [Contract Amendment - Ambulance Billing - $20,000,000]
Resolution authorizing the San Francisco Fire Department to amend the Department's ambulance billing contract with ADPI West, Inc., that anticipates approximately $20,000,000 per year in revenues, authorize the first two-year contract extension; retroactively approve the first contract extension to July 1, 2010, and at the Department's discretion authorize the Department to exercise the second two-year extension for the contract. (Fire Department)

11/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101495 [License with UnitedLayer to Use Property - 200 Paul Street]
Resolution authorizing the license of space and services with UnitedLayer at 200 Paul Street for the Department of Technology. (Real Estate Department)

11/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101496 [License with Telx to Use Property - 200 Paul Street]
Resolution authorizing the license of space and services with Telx at 200 Paul Street for the Department of Technology.

11/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:54 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, December 14, 2010 - 2:00 PM

GOVERNMENT
DOCUMENTS DEPT

DEC 17 2010

SAN FRANCISCO
PUBLIC LIBRARY

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Avalos, Mirkarimi, Elsbernd	Wednesday 11:00 AM
City and School District Select Committee Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza	2nd and 4th Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, Avalos, Dufty	2nd and 4th Monday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Chu, Maxwell	2nd and 4th Thursday 10:30 AM
Land Use and Economic Development Committee Supervisors Maxwell, Mar, Chiu	Monday 1:00 PM
Public Safety Committee Supervisors Chiu, Mirkarimi, Elsbernd	1st and 3rd Monday 10:00 AM
Rules Committee Supervisors Campos, Alioto-Pier	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:19 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of November 9, 2010, and November 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

101121 [Accept and Expend Grant - FY2010 Regional Catastrophic Preparedness Grant Program and Amend Annual Salary Ordinance, FY2010-2011 - $3,570,000]

Sponsors: Mayor; Alioto-Pier

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, serving as the primary grantee for the Regional Catastrophic Preparedness Grant Program Bay Area Site and as fiscal agent for the Urban Area Security Initiative Approval Authority, to retroactively accept and expend Regional Catastrophic Preparedness Grant Program grant funds in the amount of $3,570,000 from the United States Department of Homeland Security, through the California Emergency Management Agency, and to provide $181,478 as San Francisco's portion of required matching funds; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one grant-funded position (.75 FTE) in Class 5293 Planner IV in the Department of Emergency Management.

FINALLY PASSED

101122 [Accept and Expend Grant - FY2010 Urban Areas Security Initiative Grant and Amend Annual Salary Ordinance, FY2010-2011 - $34,262,131]

Sponsors: Mayor; Alioto-Pier

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, as the primary grantee for the combined Bay Area Urban Area and as the fiscal agent for the UASI Approval Authority, to retroactively accept and expend an Urban Areas Security Initiative grant in the amount of $34,262,131 from the United States Department of Homeland Security, through the California Emergency Management Agency; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of two grant-funded positions in the Department of Emergency Management, as follows: one position (.75 FTE) in Class 1823 Senior Administrative Analyst and one position (.75 FTE) in Class 1824 Principal Administrative Analyst.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

101313 [Planning Code, Zoning Map - Bayshore Boulevard Home Improvement Special Use District]

Sponsors: Maxwell; Campos and Dufty

Ordinance amending the San Francisco Planning Code by adding Section 249.65 to establish the Bayshore Boulevard Home Improvement Special Use District for the properties on lots fronting Bayshore Boulevard from Jerrold Avenue south to the 1-280 Freeway, the west side of Loomis Street from Jerrold Avenue south to the 1-280 Freeway, Oakdale Avenue from Loomis Street to Bayshore Boulevard, Marengo Street from Bayshore Boulevard to Waterloo Street and the west side of Boutwell Street from Industrial Street south to the 1-280 Freeway, and also including some lots on Cortland Avenue; amending the Zoning Map of the City and County of San Francisco to rezone the designated blocks and lots from the current M-1 and P/M-1 zoning to PDR-2, P/PDR-2 and the Bayshore Boulevard Home Improvement Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

FINALLY PASSED

101448 [Installation of Public Art in the Hunters Point Shipyard Redevelopment Project Area - $80,000]

Sponsor: Maxwell

Resolution making findings under Section 33445 of the California Health and Safety Code and consenting to the Redevelopment Agency using approximately $80,000 in designated federal grant monies for the installation of Public Art in the Hunters Point Shipyard Redevelopment Project Area.

ADOPTED

101485 [Southeast Digester Task Force - Biosolids Digester Facility Project]

Sponsor: Maxwell

Resolution urging the Public Utilities Commission to incorporate the Southeast Digester Task Force recommendations into the Biosolids Digester Facility Project, to select the preferred site and expedite implementation.

ADOPTED

101486 [Commending the Community Benefits Program]

Sponsor: Maxwell

Resolution commending the San Francisco Public Utilities Commission's Community Benefits Program.

ADOPTED

Recommendations of the Public Safety Committee

101190 [Police Code - Registration and Other Requirements for Event Promoters]

Sponsors: Chiu; Maxwell

Ordinance adding Article 15.7 to the San Francisco Police Code, requiring event promoters to register with the Entertainment Commission; prohibiting holders of certain entertainment-related permits, and registered promoters, from retaining an unregistered promoter to hold an event; and authorizing under certain circumstances for certain promoters reporting requirements, increased security plan requirements for events they promote, general liability insurance requirements, a criminal background check requirement, and other requirements.

FINALLY PASSED

101349 [Administrative Code - DNA Testing in Sexual Assault Cases]

Sponsors: Alioto-Pier; Chu

Ordinance implementing the California "Sexual Assault Victims' Bill of Rights" by amending the San Francisco Administrative Code to: (1) add Section 2A.89 to require the Police Department to develop and implement procedures to collect and test DNA samples in sexual assault cases and provide information and notices to victims, require the Police Department to report on DNA collection and testing performance as part of the budget submission, and make it the policy of the City and County of San Francisco to appropriate sufficient funds each fiscal year to ensure timely testing of DNA evidence in sexual assault cases; and (2) add Section 10.100-172 to establish the Police DNA Testing in Sexual Assault Cases Account.

FINALLY PASSED

101443 [Accept and Expend Grant - Three Part-Time Q4 Police Officer III Positions - $424,107]

Sponsor: Alioto-Pier

Ordinance authorizing the San Francisco Police Department, on behalf of the City and County of San Francisco, to retroactively accept and expend grant funds in the amount of $424,107 from the United States Department of Justice/National Institute of Justice "Solving Cold Cases with DNA" Grant Program; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of three (3) part-time positions (1.50 FTE total) in job classification Q4 Police Officer III in the San Francisco Police Department.

FINALLY PASSED

Recommendations of the Rules Committee

101098 [Administrative Code - Electronic Distribution of Multi-Page Documents]
Sponsors: Mirkarimi; Chiu, Campos and Mar
Ordinance amending the San Francisco Administrative Code by amending Sections 1.56 and 8.12.4, adding Section 8.12.5, and re-numbering Section 8.12-1 as 8.13, to provide for the electronic distribution of documents more than 10 pages long prepared by City departments.

FINALLY PASSED

101191 [Administrative Code - Publication Requirements]
Sponsors: Mirkarimi; Campos, Mar and Chiu
Ordinance amending Chapter 2 of the San Francisco Administrative Code by adding Article XII, Sections 2.96 through 2.100, to define "published" as required by San Francisco Charter Article XVII to: (1) establish requirements for publishing notices; (2) establish standards for and define the "City's Official Website Homepage;" (3) establish procedures for standardizing and defining notice and publication requirements for future proposed ordinances; and (4) authorize the Clerk of the Board of Supervisors to adopt regulations to implement this Article.

FINALLY PASSED

101272 [Conflict of Interest Code Amendments]
Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by (1) amending Section 3.1-103 to list the officials who must file statements of economic interests and ethics-related forms with the Ethics Commission; (2) amending Section 3.1-107 to clarify the scope of disclosure category 1; (3) amending Sections 3.1-140, 3.1-150, 3.1-155, 3.1-175, 3.1-190, 3.1-195, 3.1-205, 3.1-207, 3.1-218, 3.1-230, 3.1-240, 3.1-245, 3.1-250, 3.1-251, 3.1-253, 3.1-267, 3.1-275, 3.1-280, 3.1-312, 3.1-315, 3.1-320, 3.1-335, 3.1-362, 3.1-365, 3.1-390, 3.1-422, 3.1-445, 3.1-450 to update the list of designated employees who must file statements of economic interests; (4) deleting Sections 3.1-210 and 3.1-235 to reflect the current composition of City departments; and (5) adding Section 3.1-510 to identify the local officials who manage public investments. (Clerk of the Board)

FINALLY PASSED

101381 [Settlement of Lawsuit - Allison Ayer - $30,000]
Ordinance authorizing settlement of the lawsuit filed by Allison Ayer against the City and County of San Francisco for $30,000; the lawsuit was filed on January 28, 2010, in San Francisco Superior Court, Case No. CGC-10-496373; entitled Allison Ayer v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

101382 [Settlement of Lawsuit - Charles Haynes - $50,000]
Ordinance authorizing settlement of the lawsuit filed by Charles Haynes against the City and County of San Francisco for $50,000; the lawsuit was filed on January 23, 2009, in the United States District Court, Northern District of California, Case No. C09-00174 PJH; entitled Charles Haynes, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

101383 [Settlement of Lawsuit - Guillermo Chavez - $30,000]

Ordinance authorizing settlement of the lawsuit filed by Guillermo Chavez against the City and County of San Francisco for $30,000; the lawsuit was filed on October 2, 2009, in San Francisco Superior Court, Case No. 439-130; entitled Guillermo Chavez v. City and County of San Francisco, et al.; other material terms of said settlement are: 1) $10,000 to be paid to the San Francisco Tax Collector's Bureau of Delinquent Revenue to satisfy the medical lien for treatment in this case; 2) $11,555 to be allocated to attorney's fees and litigation costs; 3) the balance of $8,445 is to be paid to the Bureau of Delinquent Revenue to pay down money owed by plaintiff to the City for medical treatment unrelated to the injuries in the lawsuit. (City Attorney)

FINALLY PASSED

101458 [Administrative Code - Extending Operation of Voting Systems Task Force]

Sponsor: Campos

Ordinance amending the San Francisco Administrative Code by amending Sections 5.400 and 5.410 and adding Section 5.415 to extend the operation of the Voting Systems Task Force to June 30, 2011.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

101125 [Golden Gate Park Music Concourse Garage Refinance]

Sponsor: Mar

Resolution concurring in the recommendation of the Controller and the Director of the Office of Public Finance that the issuance of not to exceed $30,000,000 Tax Exempt Bank Qualified Bonds ("Bonds") with First Republic Bank for and on behalf of the Music Concourse Community Partnership, a California nonprofit public benefit corporation, is reasonably prudent; directing the Controller and the Director of the Office of Public Finance to do everything necessary and desirable to provide for the issuance of such Bonds; and providing public approval for the Bonds and the project financed and refinanced thereby for the purposes of Section 147(f) of the Internal Revenue Code.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Committee Without Recommendation

101311 [Administrative Code - San Francisco Local Hiring Policy for Construction]

Sponsors: Avalos; Mirkarimi, Campos, Daly and Mar

Ordinance amending the San Francisco Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Subsection 6.22(G) to: 1) establish a local hiring policy for City public work or improvement projects requiring contractors and their subcontractors to perform certain percentages of project work hours using San Francisco residents and disadvantaged San Francisco residents; 2) making findings in support of the policy; 3) authorizing incentives for contractors and subcontractors who exceed local hiring requirements; 4) mandating assessment of liquidated damages against contractors and subcontractors who fail to meet minimum local hiring requirements; and 5) establishing monitoring, enforcement, and administrative procedures in support of the policy.
(Economic Impact; Fiscal impact.)

Supervisor Mar requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Recommendation of the City Operations and Neighborhood Services Committee

101310 [Public Works Code - Regulation of Freestanding Newsracks and Fixed Pedestal Newsracks]

Sponsor: Alioto-Pier

Ordinance amending the San Francisco Public Works Code by amending Sections 184.2, 184.6, 184.8, and 184.12 thereof, relating to newsracks, to provide for: (1) the use of electronic mail for notices of violations; (2) removal of abandoned newsracks or newsracks maintained in violation of the Public Works Code within 7 calendar days of notice of violation sent by electronic mail; (3) imposition of administrative fines for violations resulting in newsrack seizures; (4) consolidation and/or reduction in size of fixed pedestal newsracks at under-used locations; (5) allocation of space in newsrack boxes on a first-come-first-served basis under certain circumstances; and (6) reduction of the fixed pedestal permit fee from $60 to $50.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendations of the Land Use and Economic Development Committee

100046 [Planning Code, Administrative Code - Amending Inclusionary Housing Ordinance]
Sponsors: Mayor; Chiu and Campos
Ordinance amending the Planning Code and Administrative Code by amending the Residential Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315 et seq.) (the "Program") to change the name of the Program to the Affordable Inclusionary Affordable Housing Program and to require all project applicants to pay the Affordable Housing Fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Sections 416 and 417 to make conforming amendments to the Inclusionary Affordable Housing Program; amending the Van Ness Market Special Use District, Section 249.33, to delete the provision that a project sponsor may only meet up to 50% of the Program's requirements through payment of the fee; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101094 [Administrative Code - Child Care Centers for City Projects and City-Funded Private Projects]
Sponsors: Dufty; Alioto-Pier, Chiu, Mar, Maxwell and Campos
Ordinance amending the San Francisco Administrative Code by adding Chapter 29B to require a City agency, or a private developer that receives City funds for a development project, as defined, to prepare a feasibility study for providing an on-site child care center whenever it plans to construct or purchase a building, lease more than 50 percent of space in a private building for an initial term of more than one year, or alter more than 50 percent of the space in an existing building; adopting findings, including environmental findings.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED on Page 4, Line 12, by deleting 'more than'; Line 12, by replacing '25,000' with '50,000'; Line 12, by adding 'or more'; Line 14, by deleting 'more than'; Line 14, by replacing '25,000' with '50,000'; and Line 15, by adding 'or more.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101095 [Planning Code - Affordable Housing Program Exemption for Qualified Student Housing]

Sponsors: Dufty; Campos

Ordinance amending the Residential Inclusionary Affordable Housing Program, Planning Code Sections 415 et seq. to exempt certain Qualified Student Housing Projects, as defined, if the project meets certain requirements; adding corresponding definitions to Section 401; and making findings including environmental findings.
(Economic Impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

100455 [Environment Code - San Francisco Safe Drug Disposal Ordinance]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 22, Sections 2201 through 2211, to: require any person who produces a drug offered for sale in San Francisco to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources; provide for implementation, enforcement, fees, and penalties; and phase-in the application of the Chapter to non-prescription drugs and controlled substances; and making environmental findings.
(Supervisor Elsbernd dissented in Committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

101148 [Visitacion Valley Infrastructure Fee Revenue Appropriation - Public Library and Department of Public Works for FY2010-2011- $2,385,068]

Sponsor: Maxwell

Ordinance appropriating $2,385,068 of Visitacion Valley Infrastructure Fee revenue from the Visitacion Valley Infrastructure Fund, including $2,169,200 in the Public Library for the Visitacion Valley Branch Library Project and $215,868 in the Department of Public Works, for the planning and design of utility undergrounding on Leland Avenue for FY2010-2011, and placing $1,156,304 on Controller's reserve in the Public Library pending receipt of Visitacion Valley Infrastructure Fee revenue.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101444 [Accept and Expend Grant - Chinatown Broadway Streetscape Improvement Design Plan - $250,000]

Sponsor: Chiu

Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of $250,000 from the California Department of Transportation, Division of Transportation Planning for the FY 2010-2011 Environmental Justice Grant for the Chinatown Broadway Streetscape Improvement Design Plan, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.06 FTE), in the Planning Department.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101446 [Accept and Expend Grant - Central Corridor Growth Strategy and Design Plan - $250,000]

Sponsor: Mayor

Ordinance authorizing the San Francisco Planning Department to accept and expend a grant in the amount of $250,000 from the California Department of Transportation, Division of Transportation Planning, for the CalTrans Community-Based Transportation Grant for the Central Corridor Growth Strategy and Design Plan, and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY2010-2011) to reflect the addition of one (1) limited duration Job Class 5293 Planner IV, grant funded position (0.15 FTE), in the Planning Department.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100598 [Real Property Lease - 238 Eddy Street]

Resolution authorizing the Master Lease of the Windsor Hotel at 238 Eddy Street for the Department of Public Health. (Real Estate Department)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101346 [Airport Concession Leases - Lori's Diner, Andale, Meyers Holdings, and H. Young Enterprises]

Resolution approving Amendment No. 1 to Domestic Terminals Food and Beverage Lease No. 03-0178 with Lori's Diner International; No. 03-0179 with Andale Airports; No. 03-0181 with Meyers Holdings, LLC; and No. 03-0188 with H. Young Enterprises, and the City and County of San Francisco, by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101374 [Purchase Agreement - Subsurface Easements - Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel - $650]

Resolution approving and authorizing an Agreement for Purchase and Sale of Real Estate to obtain two permanent, exclusive, subsurface easements from Cargill, Inc., for the purpose of constructing the San Francisco Public Utilities (SF PUC) Commission Water System Improvement Program-Funded Project No. CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel, for a purchase price of $650; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101375 [Construction Management Services Agreement - San Francisco General Hospital Rebuild Program - Not to Exceed $16,400,000]

Resolution authorizing the Director of Public Works to execute an amendment to a professional construction management services agreement for the San Francisco General Hospital Rebuild Program from $8,000,000 to $16,400,000. (Public Works Department)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101460 [Airport Concession Lease - Melshire DFW, L.P.]

Resolution approving the Terminal 2 Specialty Store Lease between Melshire DFW, L.P. dba Natalie's Candy Jar, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101461 [Contract Amendment - Sunol Valley Regional Construction Management Services - Water System Improvement Program Projects - Not to Exceed $19,000,000]

Resolution authorizing an amendment to the San Francisco Public Utilities Commission contract CS- 915R for Sunol Valley Regional Construction Management Services in the amount not to exceed $3,000,000, for a total agreement not to exceed amount of $19,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Sunol Valley Region, Alameda County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101462 [Contract Amendment - Peninsula Habitat Restoration Construction Management Services - Water System Improvement Program Projects - Not to Exceed $26,000,000]

Resolution authorizing an amendment to the San Francisco Public Utilities Commission Contract No. CS- 916 for Peninsula Regional Construction Management Services in the amount not to exceed $ 4,000,000, for a total agreement not to exceed amount of $26,000,000 to fund Construction Management Services for Bioregional Habitat Restoration actions required for various Water System Improvement Program Projects within the Peninsula Region, San Mateo County, pursuant to Charter Section 9.118, and adopting findings pursuant to the California Environmental Quality Act. (Public Utilities Commission)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101006 [Administrative Code - Revisions to Local Business Enterprise Ordinance]

Sponsors: Chu; Chiu

Ordinance amending Administrative Code Chapter 14B to increase minimum competitive amount for general services contracts to $400,000; to clarify ownership requirements for certification of local businesses with no single majority owner and make other clarifications to address certification of businesses under common ownership or with multiple locations; to clarify requirements for setting aside contracts under the mandatory Micro-LBE Set-Aside program; to exclude contracts under the threshold amount or minimum competitive amount from good faith efforts outreach and documentation requirements; to simplify and coordinate reporting requirements; to re-authorize the Treasurer to negotiate financial instruments in support of the Surety Bond and Financial Assistance Program after these provisions were inadvertently rescinded; and to make technical corrections.

Supervisor Chu, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED on Page 29, Line 13, by replacing '(4)' with '(3)'. The motion carried by the following vote:

Ayes. 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101007 [Administrative Code - Revising Requirements for Purchasing Goods and Services]

Sponsors: Chu; Chiu

Ordinance amending Administrative Code Chapters 21 and 21C to conform Purchasing requirements to Administrative Code Chapter 14B by defining minimum competitive amounts of $100,000 for professional services and commodities contracts and $400,000 for general services contracts, clarify "bid-splitting," and make miscellaneous changes to City procurement requirements; to clarify information technology purchases; to update and conform references to Administrative Code Chapter 14B; to rescind the Sealer of Weights and Measures' authority under Section 21.32 to donate food purchases; to rescind the local tax adjustment set forth in Administrative Code Chapter 21C; to enact a new Section 21.32 to adjust bids likely to result in local sales tax revenue; to reenact and renumber Administrative Code Sections 21.25, 21.25-1, 21.25-2, 21.25-3, 21.25-4, and 21.25-x regarding prevailing wage requirements as Chapter 21C; and to make certain technical corrections.

PASSED, ON FIRST READING by the following vote:

Ayes. 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101091 [Planning Code - Notice Requirement for "Other Entertainment Uses" in the Van Ness Avenue Special Use District]

Sponsors: Alioto-Pier; Chiu

Ordinance amending the San Francisco Planning Code by amending Section 243 to require notice for "Other Entertainment Uses" in the Van Ness Avenue Special Use District; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101449 [Rehabilitation of Building 813 in the Hunters Point Shipyard Redevelopment Project Area - $7,258,890]

Sponsor: Maxwell

Resolution making findings under Section 33445 of the California Health and Safety Code and consenting to the Redevelopment Agency of the City and County of San Francisco's payment of funds in the amount of $7,258,890 for the pre-development and rehabilitation of Building 813 in the Hunters Point Shipyard Redevelopment Project Area.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

101472 [Appointments, SOMA Community Stabilization Fund Community Advisory Committee - Conny Ford, Ada Chan, Allan Manalo, Judith Baker, and Thomas Temprano]

Motion appointing Conny Ford, Ada Chan, Allan Manalo, Judith Baker, and Thomas Temprano, terms ending April 27, 2011 and April 27, 2012, to the SOMA Community Stabilization Fund Community Advisory Community. (Clerk of the Board)

Motion No. M10-186

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101477 [Appointment, Workforce Investment Community Advisory Committee - Sheryl Davis]

Motion appointing Sheryl Davis, term ending February 19, 2012, to the Workforce Investment Community Advisory Committee. (Clerk of the Board)

Motion No. M10-187

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 2:30 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101540 [Public Hearing - Appointment of Mark Dunlop to the Treasure Island Development Authority Board of Directors]

Hearing of persons interested in or objecting to proposed Motion either approving or rejecting the appointment of Mark Dunlop to the Treasure Island Development Authority Board of Directors. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File Nos. 101541 and 101542. Todd Brennon; Ashaf Hieron; Betty Mathey; Rebecca Lee; Brian Leubitz; Cecilia Chang; Larry Brinkin; Kevin Shank; Francisco DaCosta; spoke expressing support of Mark Dunlop's appointment to the TIDA Board of Directors. Mark Dunlop provided an overview of his qualifications and expressed his interest in the position. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101541 [Appointment, Treasure Island Development Authority Board of Directors - Mark Dunlop]

Motion approving the Mayor's appointment of Mark Dunlop to the Treasure Island Development Authority Board of Directors, for the unexpired portion of a four-year term ending February 26, 2012. (Clerk of the Board)

Motion No. M10-185

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101542 [Appointment, Treasure Island Development Authority Board of Directors - Mark Dunlop]

Motion rejecting the Mayor's appointment of Mark Dunlop to the Treasure Island Development Authority Board of Directors, for the unexpired portion of a four-year term ending February 26, 2012. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101354 [Public Hearing - Resolution to Establish the Ocean Avenue Community Benefits District]

Sponsor: Avalos

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based business improvement district to be known as the "Ocean Avenue Community Benefits District," ordering the levy and collection of assessments against property located in that district for fifteen years commencing with FY2010-2011, subject to conditions as specified, and making environmental findings.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 101355. Kate Favetti; Ernistine Weiss; Dollie Sitolot; Dan Weaver; Walter Paulson; spoke in support of the assessment district. Jesse Waters; Ace Washington; spoke in opposition to the assessment district. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101355 [Resolution to Establish the Ocean Avenue Community Benefits District]

Sponsor: Avalos

Resolution establishing a property-based business improvement district to be known as the "Ocean Avenue Community Benefits District," ordering the levy and collection of assessments against property located in that district for fifteen years commencing with FY2010-2011, subject to conditions as specified, and making environmental findings.

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that the returned weighted ballots voting for the Ocean Avenue BID was 54.83%, and the returned weighted ballots voting against the Ocean Avenue BID was 45.17%, further indicating there was no majority protest.

Privilege of the floor was granted to Lisa Pagan (OEWD) who responded to questions raised throughout the discussion regarding File No. 101355.

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101440 [Public Hearing - Ground Lease - Redevelopment Agency Land at 701 Golden Gate Avenue to Mary Helen Rogers Senior Community, LP]

Sponsor: Daly

Hearing of persons interested in or objecting to proposed Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block No. 768, Lot No. 13, commonly known as 701 Golden Gate Avenue, southwest corner of Golden Gate Avenue and Franklin Street, San Francisco, California in San Francisco's Western Addition neighborhood, to Mary Helen Rogers Senior Community, LP, a California limited liability corporation, for 70 years for the purpose of developing housing for very low-income senior households.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 101437. Olsen Lee (Redevelopment Agency) provided an overview of the ground lease and responded to questions raised throughout the discussion. Abdallah Megahed; Ace Washington; Walter Paulson; expressed various concerns. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

101437 [Ground Lease - Redevelopment Agency Land at 701 Golden Gate Avenue to Mary Helen Rogers Senior Community, LP]

Sponsor: Daly

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block No. 768, Lot No. 13, commonly known as 701 Golden Gate Avenue, southwest corner of Golden Gate Avenue and Franklin Street, San Francisco, California in San Francisco's Western Addition neighborhood, to Mary Helen Rogers Senior Community, LP, a California limited liability corporation, for 70 years for the purpose of developing housing for very low-income senior households.

Supervisor Chu was noted absent at 4:57 p.m.; noted present at 5:07 p.m.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Chu

Supervisor Chu, seconded by Supervisor Dufty, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

101466 [Public Hearing - Appointment of a Successor Mayor]
Sponsor: Daly
Hearing to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Hearing is CONTINUED to January 4, 2011.

Committee of the Whole Adjourn and Report

101467 [Appointment of a Successor Mayor]
Sponsor: Daly
Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Pursuant to the actions of File No. 101465 this Hearing is CONTINUED to January 4, 2011.

SPECIAL ORDER 3:00 P.M.

101534 [Board of Supervisors Seniority]
Lottery to determine the seniority of the newly elected Members of the Board of Supervisors scheduled for the regularly scheduled Board Meeting of Tuesday, December 14, 2010, at 3:00 p.m., pursuant to Board Rule 6.21. (Clerk of the Board)

Angela Calvillo, Clerk of the Board, provided an overview of the process. Ms. Calvillo continued by reading the names of the Supervisors-elect. Rick Caldeira, Legislative Deputy Director, placed the envelopes in the drum, locked the drum, and spun it around. One by one envelopes were drawn and names were read into the record as follows:
Supervisor-elect Mark Farrell
Supervisor-elect Malia Cohen
Supervisor-elect Scott Wiener
Supervisor-elect Jane Kim

Therefore, beginning January 8, 2011, at 12 noon the following order will be the official order of seniority of all continuing and newly elected Board members:
Supervisor Sean Elsbernd, Supervisor Ross Mirkarimi, Supervisor Carmen Chu, Supervisor David Campos, Supervisor Eric Mar, Supervisor John Avalos, Supervisor and current Board President David Chiu, Supervisor Mark Farrell, Supervisor Malia Cohen, Supervisor Scott Wiener, Supervisor Jane Kim. Ms. Calvillo concluded by indicating that seniority determines the order of polling Board members for the assignment of offices, parking spaces, seats in this Legislative Chamber, and for the appointments to compensated and non-compensated commission positions. There were no further actions.

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Chu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Theresa Shanley in recognition of spotting the kidnapped child victim of Virginia, Brittany Smith, in the Sunet District and alerting the police.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Steve Li in recognition of his human rights advocacy and continued community support.

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to the Asthma Task Force in recognition of their accomplishments and continued community support.

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to John Sutti in recognition of his accomplishments and continued community support.

COMMITTEE REPORTS

Recommendation of the City Operations and Neighborhood Services Committee

100761 [Environment Code - Restrictions on Pesticide Use]

Sponsors: Mayor; Alioto-Pier

Ordinance amending the San Francisco Environment Code by amending Sections 300, 301, 302, 303, 304, 305, 306, and 308, adding Section 310, and repealing Section 307, all to strengthen restrictions on the use of pesticides on City property, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101419 [Environment Code - Cell Phones; Retailers' Duty to Disclose Specific Absorption Rate Values]

Sponsor: Mar

Ordinance amending the San Francisco Environment Code by amending Sections 1103 and 1105, to require cell phone retailers to provide customers upon request with factsheets regarding Specific Absorption Rate values for cell phones and the use of cell phones, and to delay the enforcement date for certain provisions of the Chapter 11, the "Cell Phone Right-to-Know Ordinance," and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Budget and Finance Committee

101463 [Settlement of Lawsuit - Lexington Insurance - City to Receive $2,750,000; Appropriating Settlement Proceeds]

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. Lexington Insurance Company, San Francisco County Superior Court Case No: CGC-10-498967 (Action), removed to United States District Court, N.D. Cal., Case No: 3:10-CV1-02188-SI, arising from an insurance coverage dispute involving a claims-made Designers and Construction (i.e., professional liability) Project Specific Professional Liability and Pollution Liability Policy issued by Lexington Insurance Company (Lexington) to the San Francisco Public Utilities Commission for the period February 1, 2002, to February 1, 2006, policy number 1152114 (Lexington Policy), calling for payment of $2,750,000 from Lexington to the City and County of San Francisco and including other material terms of said settlement: (1) Lexington will have no further obligations under the Lexington Policy and said policy shall be considered null and void and of no further force and effect; (2) San Francisco will defend and hold harmless and indemnify Lexington from and against any demand against Lexington made under the Lexington Policy; (3) all parties will execute a mutual release; (4) San Francisco will execute and file a dismissal of all claims with prejudice; (5) the City and Lexington each shall bear its own legal costs and fees arising from this action; and appropriating the full proceeds from the settlement to fund the San Francisco Public Utilities Commission's attorney fees and legal expenses related to certain pending litigation matters. (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101259 [34th America's Cup Host City Agreement and Finding of Fiscal Feasibility]

Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Chu, Dufty and Maxwell

Resolution approving a Host City and Venue Agreement among the City, the America's Cup Event Authority and the San Francisco America's Cup Organizing Committee; authorizing the Mayor or his designee and the Port to execute the Host City and Venue Agreement; authorizing and urging the Mayor, Office of Economic and Workforce Development, Port and such other City Officials as appropriate to take such steps and execute such additional agreements as are consistent with the Host City and Venue Agreement and this Resolution to bring the 34th America's Cup to the San Francisco Bay; and finding that the proposed Event is fiscally feasible as set forth in Administrative Code Chapter 29.
(Economic Impact, Fiscal Impact.)

Privilege of the floor was granted to Brad Benson (Port Commission) who provided details on the amended Host and Venue Agreement and responded to questions raised throughout the discussion regarding File No. 101259.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101488 [Assessment Ballots for City Parcels to Form the Proposed Civic Center Community Benefit District]

Sponsor: Mayor

Resolution authorizing the Mayor to cast ballots in the affirmative on behalf of the City and County of San Francisco as owner of 11 parcels of real property over which the Board of Supervisors has jurisdiction, where those parcels would be subject to assessment in the proposed property and business improvement district to be named the Civic Center Community Benefit District.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

Recommendations of the Land Use and Economic Development Committee

100041 [Public Works Code, Administrative Code - Personal Wireless Service Facility Site Permits and Associated Fees]

Sponsors: Avalos; Campos, Mar, Chiu and Chu

Ordinance amending the San Francisco Public Works Code by: (1) adding Article 25, Sections 1500 through 1528, to establish new requirements for Personal Wireless Service Facility Site Permits and to increase certain fees for obtaining such permits, (2) amending the San Francisco Administrative Code by amending Chapter 11, Article 1, Section 11.9, to eliminate obsolete provisions related to such permits, (3) making the provisions of the ordinance retroactive, and (4) making environmental findings.

Supervisor Chu requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100495 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]

Sponsor: Alioto-Pier

Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents and determinations under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents and determinations.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED ON FIRST READING to January 4, 2011. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

101247 [Planning Code - Update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund]

Sponsor: Maxwell

Ordinance amending the San Francisco Planning Code by amending Sections 420.1 through 420.5 to update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund and to conform the program with other Area Plan fee programs; making conforming changes to Sections 401 (definitions) and 406 (waiver, reduction, or adjustment of development project requirements); and making findings, including environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisor Mirkarimi was noted absent at 5:49 p.m.; noted present at 5:54 p.m.

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Female Speaker; spoke in support of proposed KPFA legislation.
Peter Warfield; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Antonio Ortiz; spoke in support of proposed KPFA legislation.
Ace Washington; expressed various concerns.
Female Speaker; expressed various concerns.
Edmond Juicye; expressed various concerns.
Sue Hestor; spoke in support of proposed KPFA legislation.
Anthony Thuss; spoke in opposition of proposed KPFA legislation.
Female Speaker; spoke in opposition of proposed KPFA legislation.
Mara Rivera; spoke in opposition of proposed KPFA legislation.
Robert English; spoke in opposition of proposed KPFA legislation.
Kim Walter; spoke in support of proposed KPFA legislation.
Brian Edwards; spoke in support of proposed KPFA legislation.
Eric Brooks; spoke in opposition of proposed KPFA legislation.
Abdallah Megahed; expressed various concerns.
Sarah Rendalla; spoke in opposition of proposed KPFA legislation.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

101530 [Tax-Exempt Revenue Obligation Bonds - the San Francisco School - Not to Exceed $5,000,000]

Sponsor: Campos

Resolution approving the issuance of tax-exempt revenue obligation bonds by the California Enterprise Development Authority in an aggregate principal amount not to exceed $5,000,000 to finance and refinance various capital facilities owned by the San Francisco School.

ADOPTED

101531 [Application for Mortgage Credit Certificates]

Sponsor: Chu

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates.

ADOPTED

101532 [Accept and Expend Grant - Daraja Academy Project - $16,000]

Sponsor: Chu

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of $16,000 from the San Francisco Foundation's donor advised "Do a Little Fund" for the Daraja Academy Project. (Arts Commission)

ADOPTED

101533 [Accept and Expend Grant - Environment Now - $10,000]

Sponsor: Mar

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of $10,000 from the Altamont Education Advisory Board to support Environment Now, an environmental stewardship and workforce development program. (Environment)

ADOPTED

101501 [Final Map 5461 - Hunters View]

Motion approving Final Map No. 5461, a 5-lot subdivision for condominium purposes, being a 219 unit residential condominium project; approving a Public Improvement Agreement related to the Final Map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Hunters View Development Documents. (Public Works Department)

Motion No. M10-188

APPROVED

101525 [Committee of the Whole - Public Hearing to Establish the Civic Center Community Benefit District]

Sponsor: Mayor

Motion directing the Board of Supervisors to hold a public hearing on January 4, 2011, at 3:00 p.m., with the Board sitting as a Committee of the Whole, to consider adopting a Resolution to establish the Civic Center Community Benefit District.

Motion No. M10-189

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

The President requested that File No. 101465 be severed so that it may be considered separately.

101465 [Committee of the Whole - Public Hearing to Take Nominations and Appoint a Successor Mayor in the Event of a Vacancy in the Office of the Mayor]

Sponsor: Daly

Motion that the Board of Supervisors convene as a Committee of the Whole on December 14, 2010, at 3:00 p.m., to discuss the proposed Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 101465. Abdallah Megaheed; Linda Lewis; Mattie Scottman; Paul Courier; Ernestine Weiss; Walter Paulson; Male Speaker; Larry Bradshaw; Tommy Akimoto; Ace Washington; Female Speaker; Eric Brooks; Christopher Cook; Harold Miller; Richard Hanlon; Male Speaker; Female Speaker; Clemintina; Female Speaker; Francisco DaCosta; Abraham Simmons; Juanita Martinez; Jorge Garcia; Edmond Juicye; Cynthia Sandoval; Dale Seymour; expressed various concerns relating to the motion to sit as a Committee of the Whole to appoint a Successor Mayor. There were no other speakers. The President declared public comment closed.

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be AMENDED on Page 1, Line 5, by replacing 'December 14, 2010' with 'January 4, 2011' and Line 9 by replacing 'December 14, 2010' with 'January 4, 2011.' The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 3 - Campos, Daly, Mirkarimi

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Motion be CONTINUED AS AMENDED to January 4, 2011. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 3 - Campos, Daly, Mirkarimi

Supervisor Alioto-Pier requested that File No. 101528 be severed so that it may be considered separately.

101528 [Condemning Anti-Italian Remarks at the Planning Commission]

Sponsor: Alioto-Pier

Resolution condemning remarks of Commissioner Hisashi Sugaya that deeply offended members of the Italian-American community, and urging members of City boards and commissions to treat members of the public with respect.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Avalos requested that File No. 101529 be severed so that it may be considered separately.

101529 [Supporting the KPFA Morning Show]

Sponsors: Avalos; Campos, Mar and Mirkarimi

Resolution expressing concern about recent layoffs of the KPFA Morning Show staff and urging Pacific Radio, KPFA's local board, the staff members and their union to find a solution to the current programming crisis.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution expressing concern about recent layoffs of the KPFA Morning Show staff and urging Pacific Radio, KPFA's Local Board, the staff members and their union to find a solution to the current programming crisis.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED AS AMENDED to January 4, 2011. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

101502 [Professional Services Agreement - Terminal 2/Boarding Area D Renovations - Not to Exceed $16,850,000]

Resolution approving Modification No. 5 to the Professional Services Agreement for Construction Management Services for Terminal 2/Boarding Area D Renovations and Related Facilities in the amount of $1,710,000 for a new total contract amount not to exceed $16,850,000. (Airport Commission)

12/01/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101503 [Airport Concession Lease - Books, Inc.]

Resolution approving Amendment No. 2 to North Terminal Bookstore Lease No. 00-0176 between Books, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

12/01/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101504 [Airport Concession Lease - Museum of Modern Art]

Resolution approving the International Terminal Museum/Gallery Store Lease between San Francisco Museum of Modern Art and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

12/01/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101505 [Purchase Agreement - Permanent Access Road Easement - Stanislaus County - $13,000]

Resolution (1) approving and authorizing an agreement for the purchase of a permanent access road easement totaling 2.16 acres over portions of Assessor's Parcel Numbers 016-002-017, 016-002-018 and 016-002-44 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of $13,000; (2) adopting findings under the California Environmental Quality Act; (3) adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and (4) authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

12/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

101506 [Master Lease - Hotel Le Nain at 730 Eddy Street]

Resolution authorizing the Master Lease of the Hotel Le Nain at 730 Eddy Street for the Department of Public Health. (Real Estate Department)

12/06/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:53 p.m.

1300 6

Utica/Omaha, Ne
Houche